

CWP-11595-2015

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-11595-2015 (O & M)
Date of Decision: 26.11.2015**

Rattan Lal

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Sarfraj Hussain, Advocate,
for the petitioner.

Mr. Rajneesh Chadwal, DAG, Haryana.

Paramjeet Singh, J. (Oral)

CM-13084-CWP-2015

Allowed, as prayed for. Annexure P-3 is taken on record,
subject to all just exceptions.

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Instant writ petition has been filed under Articles 226/227 of
the Constitution of India for quashing the list dated 15.04.2015
(Annexure P-2) wherein Gram Panchayat, Hafzabad, was not included in
the impugned list whereby posts of Sarpanches were reserved for
Scheduled Castes candidate in the coming elections.

It is the case of the petitioner that on 15.04.2015, a meeting

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of the Panchayat Samiti was held under the chairmanship of Sub Divisional Officer (Civil), Hodal with an agenda to prepare a list of villages wherein reservations are to be provided to the gram panchayats within Hasanpur Block which consists of 49 panchayats. The reservations to the panchayat is granted on the basis of seniority of population of scheduled castes in the said panchayats. In the years 1994, 2000, 2005 and 2010, 20 panchayats were earmarked wherein the post of Sarpanch was reserved for SC candidate. In the said list (Annexure P-1), name of village Hafzabad figures at Sr. No.24 and population of village Hafzabad is 1613 out of which the population of scheduled castes community is 429. As per the seniority, further 10 villages are to be taken for declaring the post of Sarpanch for the candidates of reserved category of scheduled castes. However, respondent No.5 has left the Gram Panchayat, Hafzabad while declaring the posts of Sarpanch reserved for the scheduled caste candidate and selected respondent Nos.7 to 13, which were at Sr. Nos.25 to 31 and ignored the fact that these Gram Panchayats were having less scheduled castes population. Out of 49 villages in Hasanpur Block, 20 Gram Panchayats have already got the benefit of reservation of seat for the post of Sarpanch for the scheduled caste candidate, therefore, respondent No.5 has to declare reserved seats for scheduled castes candidates for 10 villages as per the seniority list on the basis of scheduled castes population of villages out of remaining 29 villages. The Gram Panchayat, Hafzabad is having 26.60% population of

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of the scheduled castes. Hence, this petition.

I have heard learned counsel for the parties and perused the record.

The identical issue as involved in the present petition has already been dealt with by a Division Bench of this Court in CWP-14079-2015 wherein it has been held as under:

“4) As the above stated plea taken by the petitioner is a pure question of fact, we dispose of this writ petition with a direction to the State Government and the Deputy Commissioner, Mewat to ascertain the correct facts and take the consequential follow up action within one week and well before the elections are held.”

The matter in hand is squarely covered by the judgment rendered by the Division Bench of this Court in CWP-14079-2015. Resultantly, the instant petition is disposed of with a direction to the State Government and the Deputy Commissioner, Palwal to ascertain the correct facts and take the consequential follow up action within one week and well before the elections are held.

26.11.2015
parveen kumar

(Paramjeet Singh)
Judge