

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

CWP No.12454 of 2015 (O&M)

Date of Decision: 23.09.2015

Rajender Gujjar

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

1. Whether Reporters of 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. Gaurav Singla, Advocate for the petitioner

Ms. Kirti Singh, DAG Haryana

Mr. Deepak Balyan, Advocate for respondent No.3

SURYA KANT, J. (Oral)

(1) The petitioner had admittedly submitted objections against delimitation and/or formation of the wards which were though dealt with on the file and rejected but no composite order communicating such rejection was passed or conveyed to the petitioner.

(2) It goes without saying that the proposal for delimitation of wards is to be sent to the State Government under Rule 8 of the Haryana Municipal Delimitation of Ward Rules, 1977. Such proposal must be in conformity with Rule 7 of these Rules and in view of Rule 9(c), the objections are required to be considered at the end of the Government. Rule 9(c) obligates that the State Government “*shall consider all objections and*

suggestions which may be received by it before the date so specified...". Similarly, Clause (d) of Rule 9 mandates that the Government shall pass an order determining the delimitation of wards of a Municipal Committee.

(3) The office note produced during the course of hearing cannot be, for want of reasons termed as an order rejecting the objections. Since it is a case of non-observance of the procedure contemplated under the Rules, the impugned notification dated 19.05.2015 (P11) is set aside with a direction that let the objections be decided afresh by way of a reasoned order, a copy of which, if the petitioner so desires and applies, be made available to him as per the Rules.

(4) The needful may be done within two weeks and thereafter fresh notification be issued as per law.

(Surya Kant)
Judge

23.09.2015
vishal shonkar

(P.B. Bajanthri)
Judge