

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.16825 of 2015

Date of Decision: August 14, 2015

Sunil Kumar and othersPetitioners
versus
State of Haryana and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE JASPAL SINGH.

Present: Mr.Hawa Singh Hooda, Senior Advocate with
Mr.P.S.Saini, Advocate, for the petitioners.
Ms.Kirti Singh, Deputy AG, Haryana.

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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?

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 5 only at
this stage.

On our asking, Ms.Kirti Singh, learned Deputy
Advocate General, Haryana, accepts notice.

Let five copies of the writ petition be supplied to
the State counsel during the course of day failing which this
order shall be automatically recalled and the writ petition shall
be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to
pass, it is not necessary to seek any counter-reply from
respondent Nos.1 to 5 or to serve respondent No.6 at this
stage as no order prejudicial to its interest is being passed.

The petitioners are residents of village Nahri, Tehsil
Rai, District Sonapat. They are aggrieved by the notification

dated 12.09.2014 issued by the State Government whereby a new Gram Panchayat known as 'Nahri Pana Sikhan' has been established out of the original sabha area of Gram Panchayat Nahri. The principal grievance of the petitioners is that while issuing the impugned notification the mandatory procedure as laid down under the Haryana Panchayati Raj Act, 1994 (hereinafter referred to as 'the Act'), has not been followed. It is their contention that once a new Gram Panchayat is sought to be constituted pursuant to the resolution passed by the Gram Panchayat, such a resolution ought to have been passed in accordance with the spirit of Section 11 of the Act read with Rule 5 of the Rules. It is also the case of petitioners that the requisite information whether the procedure or process was followed or not for the constitution of a new Gram Panchayat, has not been disclosed to them though efforts have been made to get such information under the Right to Information Act, 2005 vide application dated 05.05.2015 (P-10).

Having heard learned counsel for the parties and considering the factual issues raised by the petitioners with reference to the alleged non-observance of the procedure contemplated under the Act, we dispose of this writ petition with a direction to respondent No.1, namely, State of Haryana to treat this petition as a representation on behalf of the petitioners and take an appropriate decision. It shall be appreciated if one of the petitioner is heard in representative capacity before taking any decision. The Principal Secretary may call for the records, if need be, to determine whether the new Gram Panchayat has been established after following the procedure as contemplated under the Act or it was only pursuant to the resolution passed by the Gram Panchayat

under Section 11 of the Act. It shall be appreciated if the decision is taken within a period of one month from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 14, 2015
mohinder

[JASPAL SINGH]
JUDGE