

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.17106 of 2015

Date of Decision: August 25, 2015

Ishwar Singh

...Petitioner

versus

State of Haryana and others

....Respondents

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

Present: Mr.Vikram Singh, Advocate, for the petitioner.

Ms.Kirti Singh, Deputy Advocate General, 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 & 2 only at
this stage.

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

Let two 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 & 2 or to serve respondent No.3 at this
stage as no order prejudicial to its interest is being passed.

The petitioner is a resident of village Matroli, Tehsil
Bapoli, District Panipat. His grievance is against the notification
dated 12.03.2015 (P-4) whereby the Gram Panchayat of village
Matroli, Block Bapoli, District Panipat has been bifurcated into

two Gram Panchayats and a new Gram Panchayat of village Raimal has been constituted, allegedly without complying with the statutory requirements of Section 7 of the Haryana Panchayati Raj Act, 1994 whereunder minimum population of a new Gram Panchayat must be 500. It is also claimed that the prescribed procedure was not followed.

The petitioner is said to have raised such an issue before the Financial Commissioner-cum-Additional Chief Secretary, Department of Panchayat and Development, Haryana, vide application dated 14.05.2015 (P-6) which is said to have been received in that office on 21.05.2015.

Heard learned counsel for the parties.

Ordinarily, this Court would not relegate the petitioner to the State Government when challenge laid is to the legality of a statutory notification. However, keeping in view the factual allegations that the new Gram Panchayat has been constituted with the population of less than 500 and thus Section 7 (i) of the Haryana Panchayati Raj Act, 1994, has been violated, we dispose of this writ petition with a direction to the State of Haryana to ascertain the correct facts and dispose of the petitioner's representation by passing a reasoned order, within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 25, 2015
mohinder

[JASPAL SINGH]
JUDGE