

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

CWP No.18948 of 2015

Date of decision:23.9.2015

Randhir Singh

....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Sushil Jain, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to the notification dated 08.04.2015 (Annexure P-12) whereby the Gram Panchayat of village Bilaspur has been bifurcated into two separate Gram Panchayats i.e. Gram Panchayat, Bilaspur Kalan and Gram Panchayat, Bilaspur Khurd.

A Division Bench of this Court in CWP No.17225 of 2008 titled Gram Panchayat, Manne Majra and others v. State of Punjab and others, decided on 02.04.2012, has held that the establishment of a Gram Panchayat or bifurcation of a Gram Panchayat in terms of para materia provisions of the Punjab Panchayati Raj Act, 1994 is a legislative function which cannot be impugned on the ground of grant of opportunity of hearing.

The Gram Panchayat in the present case has been bifurcated in exercise of the powers conferred under Section 7 of the Haryana

Panchayati Raj Act, 1994. Such bifurcation is in exercise of the legislative powers conferred on the State. The power of judicial review against the legislative function is materially different than exercise of power of judicial review against the administrative actions of the State.

Since, a Division Bench of this Court in Gram Panchayat Manne Majra's case (supra) has held that powers of establishment of a Gram Panchayat is a legislative function, therefore, we find that no ground exists or even alleged on which legislative function can be impugned.

In view thereof, we do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

SEPTEMBER 23, 2015
'D. Gulati'

(RAJ RAHUL GARG)
JUDGE