

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

Civil Writ Petition No.21014 of 2015  
Date of Decision: December 17, 2015

Panna Lal and others ....Petitioners

versus

State of Haryana and others .....Respondents

**CORAM:** HON'BLE MR.JUSTICE SURYA KANT.  
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

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Present: Mr.Ranjit Saini, Advocate, for the petitioners.  
Ms.Kirti Singh, Deputy Advocate General, Haryana.  
Mr.Rajbir Sehrawat, Advocate, for respondent No.5.

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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?*

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Surya Kant, J. (Oral)

The petitioners belong to one of the poorest section of the Society, namely, Gadaria Community. The instant writ petition has been filed by them as 'residents of village Chhadiya Yusufpur', Tehsil Samalkha, District Panipat. But the Deputy Commissioner, Panipat vide the impugned order dated 14.09.2015 (P-6) has ordered to treat them as 'residents of village Chulkana' of the same Block and District.

As it appears from the documents on record, the State Election Commission, Haryana vide order dated 29.06.2000 directed to constitute a Committee to determine as to whether 11 voters (the petitioners) were liable to be included in the voter list of Village Chhadiya Yusufpur or Village Chulkana? The Committee gave a report to continue

the petitioners in the voter list of village Chhadiya Yusufpur. They were accordingly retained in the voter list of that village. Ration Cards etc. were also issued to them on the addresses of village Chhadiya Yusufpur.

No sooner the Gram Panchayat elections were announced in Haryana and/or likely to be announced, some complaints were entertained and an enquiry was ordered for shifting the petitioners from village Chhadiya Yusufpur to village Chulkana. Apprehending such shifting, the petitioners came to this Court by way of Civil Writ Petition No.16680 of 2015 which was disposed of with a direction to the State Election Commission that in case there is any proposal to shift the petitioners, they be first heard.

The Deputy Commissioner, Panipat has thereafter passed the impugned order on the basis of a report according to which the houses of petitioners are actually located within the revenue estate of village Chulkana.

The aggrieved petitioners have approached this Court. Pursuant to our directions, site-plan has been produced by the revenue officials depicting the location of khasra number where the petitioners have constructed their houses. These houses are across the boundary limits of villages Chhadiya Yusufpur and Chulkana and are situated in the revenue estate of village Chulkana. The petitioners have been meanwhile served with a notice regarding cancellation of their ration cards etc.

The petitioners are not the 'proprietors' of either village Chhadiya Yusufpur or village Chulkana. The houses might have been constructed by them on the land which falls within the revenue estate of village Chulkana. At the same

time, they have been treated as voters and residents of village Chhadiya Yusufpur since the year 2004 or prior thereto. The criteria, if any, for inclusion in the voter list of a particular village/Gram Panchayat or its rationalization, if need be, are the issues to be addressed by State authorities. It would not be appropriate for this Court to venture into such like field for want of complete information, data, facts and figures. Nonetheless, the petitioners deserve a certainty in respect of their identified permanent abode. They cannot be made shuttle-cock between the two villages for the purpose of local political considerations. Let the whole issue therefore, be considered at the level of the State Government in consultation with the State Election Commission, Haryana.

The writ petition is disposed of with a direction to the Principal Secretary, Department of Panchayat and Rural Development, Haryana, to lay down the guidelines, obtain a fact-finding report, seek view-points of the State Election Commission and then pass an appropriate order before the Gram Panchayat elections are held.

Ordered accordingly.

Dasti.

[SURYA KANT]  
JUDGE

*December 17, 2015*  
*mohinder*

[P.B.BAJANTHRI]  
JUDGE