

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

CWP No. 25185 of 2014.

Date of Decision : 21.08.2015.

Sukhmandar Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. N.S. Sodhi, Advocate for the petitioners.

Mr. Suresh Singla, Addl. Advocate General, Punjab.

Ms. Manjeet Kaur, Advocate for
Mr. Karanjit Singh, Advocate for respondent No. 6.

Paramjeet Singh, J. (Oral)

The instant Civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ of mandamus directing respondents No. 1 and 2 to take into consideration Annexure P-10 dated 23.09.2014 and complete the process for adding the area of residential houses belonging to Village Dhoor Kot Ransih in Nagar Panchayat Nihal Singh Wala, which is an adjoining area.

Brief facts of the case are that Nagar Panchayat Nihal Singh Wala has been allotted certain adjoining area of Village Dhoorkot Ransih. Some of the residents moved an application to the Sub

Divisional Magistrate, Nihal Singh Wala along with Resolution of the Panchayat for including some area in Nagar Panchayat Nihal Singh Wala. Recommendations were made by the Deputy Director, Rural Development and Panchayat Department but the claim of the petitioners has not been considered by the Government in spite of Resolution No. 65, dated 23.09.2014, passed by the Nagar Panchayat, Nihal Singh Wala.

In pursuance of the notice of motion, reply on behalf of respondents No. 1, 2 and 4 has been filed. Relevant extract of the reply reads as under :

“2. That brief facts of the case are that previously proposal for inclusion of the area of Gram Panchayat, Dhoorkot Ransih, in Nagar Panchayat, Nihal Singh wala, was sent to Government for approval. However, the Govt., vide their memo No. 8/12/99-2SS3/402547/1 dated 29.01.2015, asked this office to intimate as to from where the expenditure on development works etc. would be met; and whether keeping in view the present financial position of Nagar Panchayat, the expenditure can be incurred on the proposed inclusion of area. In reply to this letter, the Nagar Panchayat, Nihal Singh Wala, vide their letter No. 165 dated 02.03.2015 (Annexure-R1), intimated that “the Nagar Panchayat Nihal Singh Wala, came into existence in July, 2012. There is no source of income of Panchayat, and the property tax of the Nagar Panchayat will be commenced from year 2016-2017. There is no property of its own. The

financial condition of the Nagar Panchayat mostly depend on the VAT received by the State Govt. So, as per the present financial condition, the expenditure of Nagar Panchayat on proposed area is not bearable.” So, keeping in view the above letter of the Nagar Panchayat, Nihal Singh Wala, the Govt. vide their memo No. 8/12/99-2SS3/476111/1 dated 04.05.2015, (Annexure R-2) has rejected resolution No. 65 dated 23.09.2014 passed by the Nagar Panchayat, Nihal Singh Wala, for inclusion of proposed area of Gram Panchayat, Dhoorkot Ransih, in Nagar Panchayat, Nihal Singh Wala.”

I have heard learned counsel for the parties and gone through the record carefully.

The only contention raised by the learned counsel for the petitioners is that the area of the petitioners i.e. the residential area of Village Dhoorkot Ransih adjoins the area of Nagar Panchayat, Nihal Singh Wala, which has been notified vide Notification dated 04.04.2014. The Resolution was considered by the Government and the Government has come to a conclusion that financial position of the Nagar Panchayat is not well and for that reason, this area cannot be included in Nagar Panchayat Nihal Singh Wala and the reply of the State is also to the same effect in this regard.

I have considered the contentions as raised by the learned counsel for the petitioners.

Admittedly this is a policy matter and it is for the Government to include or not to include any area in Nagar Panchayat. No mandamus can be issued in this regard.

Dismissed.

However, the petitioners will be at liberty to avail any other alternative remedies available to them in accordance with law.

August 21, 2015.
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(PARAMJEET SINGH)
JUDGE