

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.27407 of 2015
Date of Decision:-16.3.2016.

Sanauallah

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

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?

Present: Mr. Anil Kshetarpal, Senior Advocate with
Mr. Rohit Nagpal, Advocate for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

SURYA KANT, J. (ORAL)

1.) The petitioner is a resident of Village Sakras Block Ferozepur Jhirka, Tehsil and District Mewat. He has laid challenge to the Government instructions dated 12.5.2015 whereunder the rotation system for the purpose of reserving the post of Sarpanch and Panches in the Gram Panchayats is prescribed. The petitioner's primary contention in this case is that the executive instructions run contrary to Article 243-D of the Constitution of India read with Section 9 of the Haryana Panchayati Raj Act, 1994.

2.) Since the Gram Panchayat elections have been recently

held as per the above stated instructions and it may not be expedient or desirable to upset those elections, even if the petitioner's contention is worth acceptance, we are of the considered view that the issues raised by the petitioner in the instant writ petition can be seriously considered at the hands of the State Government. Since the instructions have originated from the office of Additional Chief Secretary, Department of Development and Panchayat, we dispose of this writ petition with a direction to the said Authority to call for the facts and figures from the field and thereafter re-visit the policy under challenge and let a fresh decision, reiterating or modifying the subject-polity, be taken at least one year in advance before the next Gram Panchayat elections are held. The petitioner or other stakeholders may be heard in representative capacity before taking such a decision. In case the petitioner's grievance is not adequately redressed, he shall be at liberty to approach the appropriate forum including this Court at least six months in advance before the next Gram Panchayat elections are held.

3.) Disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

March 16, 2016.

sandeep sethi