

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

CWP No.16648 of 2018 (O&M)

Date of Decision : 20.08.2018

Kulwinder Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Baldev Singh Sidhu, Advocate for
Mr.Raj Kumar Garg, Advocate
for the petitioner.

MAHESH GROVER, J. (Oral)

This writ petition has been filed with a prayer that notification dated 14.03.2018 bifurcating Gram Panchayat Kot Majlis into two i.e. Patti Baath and Kot Majlis, be quashed.

Initially, an argument was raised that the notification is unsustainable as the bifurcation and creation of a new Gram Panchayat does not form a contiguous zone in itself. The site plan placed on record through a miscellaneous application belies this contention altogether. The newly carved panchayat has been depicted in the site plan as one contiguous zone whereas the existing one forms another.

When confronted with this situation, learned counsel for the petitioner contends that there is no resolution by the Gram Sabha supporting the bifurcating of the Panchayat. Reference has been made to the instructions of the Panchayat Department by the learned counsel for the petitioner to contend that to constitute a separate Gram Panchayat resolution of the Gram Sabha is essential. But there is no such mention in the instructions. Rather, under the heading “**Except it a check list also be sent**”, clause (vi) finds mention which we extract here-below :

“Except it a check list also be sent :-

- (i) The population of proposed and old Gram Panchayat is more than 300.
- (ii) How much distance is of the proposed Sabha from the main village.
- (iii) Whether there will be no difficulty in preparing of voter list and for preparing the ward list for proposed new Gram Sabha.
- (iv) How many votes are there in a new proposed Gram Sabha, send a voter list.
- (v) The population of proposed/old Gram Panchayat is according to census 2011 and has been attested by the concerned Sub Divisional Magistrate.
- (vi) For constituting separate gram Sabha/gram Panchayat a resolution of the gram Sabha is there regarding willingness is attached.”

It only means that if an application for bifurcation is sent, it should have all the particulars regarding the population of proposed and old Gram Panchayat; distance of the proposed Sabha from the main village; whether there will be no difficulty in preparing of voter list; the number of votes in the new proposed Gram Sabha and the population of the proposed and old Gram Panchayat. This only indicates that information is solicited in this regard and if a Gram Sabha has proposed a bifurcation, a resolution to that effect should be enclosed. Likewise, if the Gram Panchayat has opposed the creation, there ought to have been a resolution which is absent in this case. Even in the pleadings the petitioner has not made out a case that the Gram Panchayat has opposed the creation of new Gram Sabha. We,

therefore, decline intervention finding no arbitrariness in the notification.

Dismissed.

(MAHESH GROVER)
JUDGE

20.08.2018
dss

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No