

CWP-17692-2018

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17692-2018

Date of Decision: 30th July, 2018

Gram Panchayat Village Basti Gurdeep Singh Wali

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Hardeep Singh, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J.

Challenge in this writ petition is to the corrigendum issued through a notification dated 04.06.2018 (Annexure P-7) issued by the Government of Punjab, vide which, name of the village Basti Gurdip Singh Wali has been changed to Basti Gajan Singh Wali, being arbitrary, illegal and against the interest of the villagers.

As per the counsel for the petitioner, in the year 2008, village Behak Gujran was divided into four villages i.e. village Behak Gujran, village Basti Gurdeep Singh Wali, village Basi Bute Wala and village Basti Didar Singh on an application given by the villagers of Basti Gurdip Singh Wali to constitute a separate gram panchayat. The said request of the villagers was accepted and a separate gram panchayat of village Basti Gurdip Singh Wali was constituted. Elections of the gram panchayat was held in the year 2008 and subsequent thereto, the said gram panchayat is performing its duties. With a change in Government, since the villagers of

the gram panchayat Basti Gurdip Singh Wali supported the Akali Dal, with Congress Government coming into power, supporters of the present Member of Legislative Assembly (M.L.A.) allured the villagers to sign on some blank papers, on which, an application for change in the name of the gram panchayat was sought. The said application has been accepted which has resulted in issuance of the impugned corrigendum dated 04.06.2018 (Annexure P-7) by the Department of Rural Development and Panchayats, changing the name of of the gram panchayat from Basti Gurdip Singh Wali to Basti Gajan Singh Wali. Counsel asserts that the action of the respondents is arbitrary, illegal and unsustainable as the same has been done at the behest of the present Member of Legislative Assembly (M.L.A.) with a *mala fide* intention and in exercise of arbitrary political powers only to harass the villagers.

I have considered the submissions made by the learned counsel for the petitioner and have gone through the pleadings.

As per Section 3 (1) of the Punjab Panchayati Raj Act, 1994 (hereinafter referred to as '1994 Act'), the State Government has a power to issue notification to declare any village or group of contiguous villages with a population of not less than three hundred to constitute a gram sabha area. As per Section 3 (2) of the 1994 Act, the State Government may, by notification, include any area in or exclude any area from the gram sabha area. The issuance of a notification under Section 3 of the 1994 Act for constituting gram sabha is a legislative function, which is prerogative of the Government. The legislative function by way of notification not only gives

power to constitute a gram sabha or to withdraw the same but would also give the power to change the name of the gram sabha. The power, therefore, which has been exercised by the Government while issuing the impugned corrigendum dated 04.06.2018 (Annexure P-7) is in exercise of the said power. Learned counsel for the petitioner has not been able to point out any provision of the statute which would bar or curtail or abrogate the said power or would require a particular procedure to be followed for issuance of a corrigendum in the teeth of the provision as contained under the Punjab General Clauses Act, 1898. There being no bar under the statute which would prohibit the issuance of a corrigendum by the Government of Punjab, cannot be said to be illegal or arbitrary.

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

30th July, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No