

CWP no. 18968 of 2018 (O&M) 1

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

CWP no. 18968 of 2018 (O&M)

Date of Decision : 28.08.2018

Harmanjeet Singh

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present : Mr.R.S.Randhawa, Advocate for the petitioner(s)

MAHESH GROVER, J.(ORAL)

The instant petition has been filed by the petitioner questioning the creation of wards and issuance of notification to that effect on 26.6.2018 (Annexure P-1).

It has been contended that the wards have not been created appropriately. Neither, locationally, area, has been taken into consideration nor the votes have been apportioned appropriately. A reference has been made to the site plan appended to the petition to state that entire creation of wards is disproportionate, with some of the wards extending to a few kilometers while the others relatively of a considerably reduced area. This according to the petitioner would lend lopsidedness and this singular fact would be indicative of a disproportionate representation, largely done at the behest of political interests. Apart from that it is contended that the constitution of the adhoc committee itself was flawed. In this reference has

been made to Rule 4 (2) extracted herebelow, to contend that three members of the ruling party and two from a political group known as Indian National Lok Dal were associated with no other member from another prominent political group such as Congress.

Rule 4: Constitution of Adhoc Body

(1) xxxxxx

(2) The Adhoc Body shall associate with itself not more five members belonging to various interests or groups out of the sitting members of the Corporation or out of the member of the dissolved Municipality.”

From the above, learned counsel for the petitioner derives an inference of under representation of diverse political groups which has led to the creation of wards.

We have heard learned counsel for the petitioner.

The adhoc committee was constituted in May, 2018 and it gave out a notice to the residents of the area to file objections to the proposed wards. If somebody was aggrieved with creation or composition of the adhoc body, he/she ought to have approached this Court right in the beginning itself by seeking a direction for appropriate representation of diverse political groups. Nothing of this sort was done rather objections were filed on various dates in May, 2018. These objections were considered by the District Collector or his delegatee. We presume so as nothing has been brought to our notice which authority has actually considered the objections since report is not before us. On 2.8.2018 when this petition came up for hearing for the first time matter was adjourned to today to

enable the petitioner to make out his case. We find that in the absence of the

report dealing with the objections we are unable to even appreciate the grievance of the petitioner that under representation of the political groups has lent some prejudice to the process. Similarly, we are unable to appreciate whether the objections were considered appropriately or not.

We are thus of the opinion that looking at from any angle, the absence of the report from Court records is fatal to the cause of the petitioner. We, therefore, decline interference to dismiss the petition.

(Mahesh Grover)
Judge

28.08.2018
rekha

(Mahabir Singh Sindhu)
Judge

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