

Sr. No.231 & 232

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

**CWP No. 7856 of 2018
Date of decision: 05.04.2018**

Darshan Lal**Petitioner**

versus

State of Haryana and others**Respondents**

CWP No. 8341 of 2018

Joni Sharma**Petitioner**

versus

State of Haryana and others**Respondents**

Coram: **Hon'ble Mr. Justice Mahesh Grover**
 Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Aman Pal, Advocate(in CWP No. 7856 of 2018)
 Mr. Raghav Sharma, Advocate(in CWP No. 8341 of 2018)
 for the petitioner(s).

Mr. Lokesh Sinhal, Addl.AG, Haryana.

Mahesh Grover, J.(Oral)

By this Order we intend to dispose of above said two cases which are inter-related and have similar facts.

Reply on behalf of respondents No. 1 to 4 in CWP No. 7856 of 2018 has been filed today in Court which is taken on record.

The grievance of the petitioner is that by way of notification different block had been created from Indri, carving out Kunjpura from it. The petitioner projected before us that under Section 57(2) of the Haryana Panchayati Raj Act, there will be a Panchayat Samiti for each block with a President and Vice President to be elected in the manner prescribed under the Act but instead of having two Panchayat Samitis, the election is now slated for 6.4.2018 for one samiti which includes Kunjpura ignoring the aforesaid provision of law.

Respondents have filed their response and brought to our notice

the provision of Section 191 of the Haryana Panchayat Raj Act, 1994 which is extracted herein below:-

“Effect of alteration of area of Gram Panchayat, Panchayat Samiti and Zila Parishad:-Any alteration in the area or boundary of any Gram Panchayat, Panchayat Samiti or Zila Parishad, as the case may be, will have no effect on the existing Gram Panchayats, Panchayat Samitis and Zila Parishads, as the case may be, till their duration is completed.”

The categoric assertion made by learned counsel for the respondents state that till the time the duration of the Panchayat Samiti exists i.e. 2021 no fresh election shall be held either on the existing or newly created Panchayat Samiti. Rather it has been brought to our notice that there is “*No Confidence Motion*” initiated against the existing elected incumbents and it is on account of that process that proceedings were slated for 06.04.2018.

If that be so, we are of the opinion that in view of the categoric stand of the respondent the petitioner would have no grievance. Indeed the elected bodies would be subject to democratic process of No Confidence Motion, if any.

Hence both the petitions are dismissed.

**[MAHESH GROVER]
JUDGE**

5th April, 2018
Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*