

CM-4714-LPA-2016;

CM-4099-LPA-2014 in/and LPA-1941-2014 (O&M)

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

CM-4714-LPA-2016;

CM-4099-LPA-2014 in/and

LPA-1941-2014 (O&M)

Date of Decision: August 08, 2018

Sarwan Singh and others

.....Appellant

Versus

Sate of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr.Nakul Sharma, Advocate for the appellant.

Mr.Sandeep Virmani, Addl.AG, Punjab.

.....

SURYA KANT, J.(ORAL)

This Letters Patent Appeal assails the order dated 30.10.2014 whereby learned Single Judge has dismissed the appellants' writ petition in which they laid challenge to the order dated 11.06.2013 passed by the Director-cum-Special Secretary, Rural Development and Panchayat Department, Punjab. Vide the said order, an earlier decision dated 31.05.2013 constituting a new Gram Panchayat of village Lakhanpur Garcha Patti was cancelled and only one Gram Panchayat, Lakhanpur, as was originally constituted, was restored.

[2] The appellants are keen that the new Gram Panchayat of Lakhanpur Garcha Patti be constituted.

[3] We have heard learned counsel for the appellants and are of the view that constitution/establishment of a new Gram Panchayat is essentially a 'Policy Decision', which has to be taken by the Competent Authority

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Punjab Panchayati Raj Act, 1994 (for brevity,'the 1994 Act'). Various relevant factors like development of the area, inclusive growth of the residents, provisions for basic amenities etc. are to be kept in view while taking such decision. There is no gain saying that Special Secretary-cum-Director, Rural Development and Panchayat Department is not the Final Authority as his decision is always subject to further modification by the State Government.

[4] The instant appeal is accordingly allowed in part to the limited extent that the order dated 30.10.2014 passed by the learned Single Judge is modified and the writ petition is disposed of with a direction to the Principal Secretary, Rural Development and Panchayat Department, Punjab, to call for the records, hear the appellants as well as Office bearers of Gram Panchayat, Lakhanpur or other stake-holders, and take an appropriate decision within the framework of the 1994 Act preferably within a period of six months from the date of receipt of a certified copy of this order.

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Since the appeal has been decided on merit, this application for placing on record the objections to the report filed by respondent No.2 with his affidavit has become infructuous and the same is dismissed as such.

**(SURYA KANT)
JUDGE**

August 08, 2018
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**(SUDIP AHLUWALIA)
JUDGE**

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

**Yes/No
Yes/No**