

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

208

CWP No.16920 of 2018 (O&M)

Date of Decision: 28.08.2019

Gram Panchayat Dera Surajgarh

.....Petitioner

Versus

The Commissioner, Ambala Division, Ambala and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. C.B. Goel, Advocate
for the petitioner.

Ms. Kirti Singh, D.A.G., Haryana
for respondents No.1 to 3.

Mr. Ashish Aggarwal, Sr. Advocate with
Mr. Kulwant Singh, Advocate
for respondent No.4-Gram Panchayat Village Maandi.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is aggrieved against the order dated 01.05.2018 passed by the Commissioner, Ambala Division, Ambala by which the appeal filed by respondent No.4 has been allowed and the order passed by the Deputy Commissioner, Kurukshetra in terms of Section 215-A of the Haryana Panchayati Raj Act, 1994 (for short, "the Act") has been dismissed on the ground that since Section 215-A has been added in the year 2002 and the notification for bifurcation of the Gram Panchayat Maandi was issued on 26.03.1985, therefore, Section 215-A cannot be given retrospective effect. The petitioner is also aggrieved against the order dated 12.06.2018 by which the review application filed by it for recalling of the order dated 01.05.2018 has been dismissed.

After a brief hearing, counsel for respondent No.4 has fairly conceded that the Deputy Commissioner had the jurisdiction to entertain the petition under Section 215-A of the Act to decide the *lis* between two Gram Panchayats but the effect of Rule 31-A of the Haryana Panchayati

Raj Rules, 1995 (for short, "the Rules") has to be looked into as to whether it applies prospectively or retrospectively.

We are not making any comment in regard to the operation of Rule 31-A of the Rules but keeping in view the concession given by counsel for respondent No.4, the orders dated 01.05.2018 and 12.06.2018 are hereby set aside and the matter is remanded back to the Commissioner, Ambala Division, Ambala to decide the matter afresh after giving adequate opportunity to the parties.

The parties are directed to appear before the Commissioner, Ambala Division, Ambala on 23.09.2019. It is further directed that the *lis* between the parties shall be decided by the Commissioner expeditiously but preferably within a period of one month from the date of their appearance.

At this stage, counsel for respondent No.4 has also submitted that he may be allowed to move an appropriate application before the appellate authority regarding the applicability of Rule 31-A and other contentions.

It is needless to mention that the respondent shall have every right to take the plea qua the applicability of Rule 31-A and other contentions in accordance with law.

Disposed of.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

28.08.2019
Vinay

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No