

232

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22943 of 2018

Date of decision: February 14, 2019

Rajbir Singh

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. N.P.S. Mann, Advocate for the petitioner.

Mr. H.S. Sullar, DAG Punjab.

A.B. CHAUDHARI, J

Rule. Heard forthwith with the consent of learned counsel for the rival parties.

The grievance made by the petitioner is that the State Government issued notification dated 31.07.2018 (Annexure P-3) bifurcating one Gram Panchayat, Valtoha into two in violation of the decision of Division Bench of this Court in the case of **Punjab Pradesh Congress Committee versus State of Punjab and others**, (2013) 3 RCR (Civil) 1023 (DB). In order to verify the correctness of the claim, we have called upon the State to respond to the averments in the petition.

Mr. H.S. Sullar, DAG Punjab on instructions and on the basis of reply by way of affidavit of Lal Singh, Block Development and Panchayat Officer, Valtoha, District Tarn Taran makes a statement that indeed before issuing notification for bifurcating Gram Panchayat, Valtoha into two, the procedure required by the Division Bench decision in **Punjab Pradesh Congress Committee's case** (supra), was not followed.

We are of the opinion that the question of fact could well be decided by the Director-cum-Special Secretary to Government of Punjab, Department of Rural Development and Panchayats, Punjab since the competent authority having delegated powers under Section 3 of the Punjab Panchayati Raj Act, 1994 should decide the issue considering all the aspects of the matter after hearing the petitioner and the concerned parties so also considering the reports of the subordinate officers etc. and pass speaking order in terms of the Division Bench decision in Punjab Pradesh Congress Committee's case (supra). We, therefore, make the following order:-

ORDER

- (i) Rule is made partly absolute;
- (ii) CWP No.22943 of 2018 is partly allowed. The Director-cum-Special Secretary to Government of Punjab, Department of Rural Development and Panchayats, Punjab shall decide the issue regarding bifurcation of Gram Panchayat, Valtoha in respect of which enquiry (Annexure P-2) was held, after hearing the petitioner and the concerned parties so also considering the reports of the subordinate officers etc. and pass speaking order in terms of the Division Bench decision in Punjab Pradesh Congress Committee's case (supra), within a period of six months from today.

(A.B. CHAUDHARI)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

February 14, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No