

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

201

**CM-999-CWP-2019;
CM-1017-CWP-2019 and
CM-1019-CWP-2019 in /and
CWP-32518-2018**

Date of Decision: 8.3.2019

AKKO BAI

... Petitioner

Vs

STATE OF PUNJAB AND ORS

.... Respondents

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

**Present: Mr. A.K. Khunger, Advocate
for the petitioner.**

Mr. I.P.S.Doabia, Addl. A.G., Punjab.

**Mr. Arjun Sheoran, Advocate
for the applicants/respondents.**

A.B. CHAUDHARI, J. (ORAL)

Heard learned counsel for the rival parties.

Counsel for the rival parties are *ad idem* on the issue that the Director, Rural Development and Panchayat which is the competent authority to take a decision before issuance of notification under Section 3 of the Punjab Panchayati Raj Act, 1994 for amalgamation or division of Gram Panchayat did not either hear the parties or pass any reasoned order as held by the Division Bench of this Court in the case of **Punjab Pradesh Congress Committee Vs. State of Punjab and others** reported as **2013 (3) RCR (Civil) 1023 (DB)**.

In view of the above admitted position, we think the only course left open is to ask the authority to decide the issue by hearing all the stakeholders and thereafter pass a reasoned order as contemplated in the judgment cited *supra*. We, therefore, make the following order :-

ORDER

- (i) CWP-32518-2018 is partly allowed.
- (ii) The proceedings of the notification Annexure P-8 dated 16.11.2018 in the matter of amalgamation/ bifurcation are remitted to the Director, Rural Development and Panchayat for decision according to law after hearing parties and also recording reasons within a period of six months from the supply of certified copy of this order by the petitioner or respondent to the Director, Rural Development and Panchayat. No order as to costs. Interim order is vacated.

**(A.B. CHAUDHARI)
JUDGE**

**(ANUPINDER SINGH GREWAL)
JUDGE**

8.3.2019.

SwarnjitS

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO