

CWP No. 16103 of 2018

Date of decision : 08.01.2019

Jagir Singh and others

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE A.B.CHAUDHARI
HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr.H.S.Sullar,DAG, Punjab.

A.B.CHAUDHARI, J. (ORAL)

Heard. Rule returnable forthwith.

Heard learned counsel for the rival parties.

The grievance of the petitioners is regarding settling aside of bifurcation proceedings of Gram Panchayat Karma, Block Mamdot, District Ferozepur.

Admittedly, the elections have already been concluded. This Court while examining the preliminary objection raised by the State that the action initiated under Section 3 of the Punjab Panchayati Raj Act,1994 is a legislative function, overruled the same. This Court held in the said judgment that framing of Section 3 is only a legislative act but the implementation thereof by issuing notification for dividing the Gram Panchayat or otherwise is a quasi judicial act and not a legislative function.

In the said writ petition this Court, however,did not interfere with the election process and allowed the elections to conclude. So is the

case at hand. However, learned counsel for the petitioner fairly states that no representation has been made to the authority concerned which is the first authority i.e. the Director, for reconsidering the issue regarding bifurcation. We think he should apply his mind to the issue in question and, if necessary, after hearing the parties concerned, pass a speaking order thereon. Needless to say, the reconsideration of the issue has nothing to do with the elections already held.

We are satisfied that the issue raised in the present petition requires reconsideration. In the result we make the rule partly absolute.

The writ petition stands disposed of with a direction to respondent No.3 i.e. the Director to reconsider the issue afresh by treating the present writ petition as a representation and if necessary, by hearing the concerned parties and by passing a speaking order thereon, within a period of 3 months from the date of receipt of a certified copy of this order which shall be placed before him by the petitioners.

(A.B.CHAUDHARI)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

08.01.2019
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