

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

CWP No. 8319 of 1998
Date of decision: 28.01.2020

Suraj Singh

.....Petitioner

V/s.

The Punjab State Election Commissioner and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Anubhav Bansal, Advocate and
Mr. Arun Bansal, Advocate,
for the petitioners.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

Sanjay Kumar, J. (Oral)

This writ petition was filed challenging the Corrigendum dated 18.05.1998 issued by the Department of Rural Development and Panchayats, Government of Punjab, making certain corrections in the voters list for elections to be held to the Gram Panchayats, Panchayat Committees and Zila Parishads during the year 1998.

The grievance of the petitioner was that by way of the impugned Corrigendum, the Gram Panchayat of Sangat Kalan was deleted and a new Gram Panchayat by name Kothe Sangat Kalan (Rural) was included. He contended that this new Gram Sabha/Gram Panchayat ought not to have been constituted without having the requisite number of voters.

In his written statement, the Sub-Divisional Magistrate, Bathinda, speaking on behalf of respondent No.5, admitted that after

foundation of the Gram Sabha, Kothe Sangat Kalan, District Bathinda, a voters list of 278 voters was issued but upon re-checking through the Revenue Field Staff, it emerged that 190 voters were found to be not residing in the Gram Sabha area and their names were struck off from the said voters list.

As it is an admitted fact that the requisite number is a minimum of 200 voters for establishing of a new Gram Sabha/Gram Panchayat, the aforestated Corrigendum dated 18.05.1998, to the extent that it included this newly found Gram Sabha, obviously could not be acted upon.

The writ petition is accordingly allowed and the aforestated Corrigendum, insofar as it relates to the Gram Sabha/Gram Panchayat of Kothe Sangat Kalan, District Bathinda, is set aside.

No order as to costs.

28.01.2020
rakesh

(SANJAY KUMAR)
JUDGE

whether speaking/non speaking : *Yes/no*
whether reportable/non reportable : *Yes/no*