

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

CWP No.11686 of 2021

Date of decision: 05.07.2021

Surender Kumar and another
Vs.

...Petitioners

State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Munfaid Khan, Advocate,
for the petitioners.

Ritu Bahri, J. (Oral)

The petitioners are challenging the notification dated 04.06.2021 (Annexure P-1), whereby only village Sondh, which is having voting population of 3200, has been included in Ward No.9 in the wardbandi for Panchayat Samiti elections, to the exclusion of village Kaliyaka, which has a voting population of 1100.

Grievance of the petitioners is that both villages Sondh and Kaliyaka are situated at a distance of 500 metres and in earlier Panchayat Samiti elections, which were conducted in 2015, both these villages were in the list of same ward and as per Section 58 (a) of the Haryana Panchayati Raj Act, 1994, one member of Panchayat Samiti is elected from each ward having four thousand population.

At this stage, we are not inclined to issue notice of motion. Mr. Ankur Mittal, Addl. A.G., Haryana, who is present in Court, has referred to the Haryana Panchayati Raj Election Rules, 1994 (hereinafter referred to as '1994 Rules'), where as per Rule 4, sub rules 5, 6, 7 and 8, there is complete procedure prescribed for giving objections to the list, which is to be affixed on the notice boards of the Block Development and Panchayat Officer, Circle Revenue Officer

and the Gram Panchayat and at any other conspicuous place in Sabha area with respect to the list of wards determined under the above said rules. If anybody objects to anything contained in the list affixed under sub-rule (5), he/she can file objections to the list in writing to the Circle Revenue Officer concerned in his office in case of Gram Panchayat and to the Sub-Divisional Officer (Civil) concerned in case of Panchayat Samiti and Zila Parishad within three days of the publication of the list of wards under sub rule (5). Thereafter, the Circle Revenue Officer, as per Rule 4 (7) of 1994 Rules has to decide those objections, after making summary inquiry, within five days. As per Rule 4 (8), appeal against the order of the Circle Revenue Officer shall lie before the Sub Divisional Officer (Civil) concerned. The appeal against the order of the Sub-Divisional Officer (Civil) shall be filed before the Additional Deputy Commissioner concerned within three days of the passing of impugned order. The said appeal has to be disposed of within one week from the date the same is filed.

In the case of the present petitioners, final list had been published on 04.06.2021 (Annexure P-1). The petitioners cannot challenge this list now without exercising the right of filing the objections before the Circle Revenue Officer. It is not the case of petitioners that they have filed objections to the list as per 1994 Rules.

No case for interference, as prayed for, is made out.

Dismissed.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

05.07.2021
ajp