

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

-1-

Sr. No.111

CWP-13324-2021

Date of Decision: 28.07.2021

RAJ KARAN

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Ajay Kumar Vijarania, Advocate,
for the petitioner.

Mr. Ankur Mittal,
Additional Advocate General, Haryana.

(Through video conference)

RITU BAHRI, J.

This petition has been filed by the petitioner under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned orders dated 05.05.2021 (Annexure P-2) and 31.05.2021 (Annexure P-5) passed by respondent No.2 and 3, respectively.

Notice of motion.

Mr. Ankur Mittal, Additional Advocate General,

Haryana, accepts notice on behalf of the respondents.

The precise grievance of the petitioner in view of his objections (Annexure P-1) is that his village has been kept in ward No.4, whereas it should have been kept in ward No.5 (inadvertently mentioned as ward No.3 in the objections, which is a typographical error). Learned counsel for the petitioner refers to site plan (Annexure P-3), where the location of village, namely, Pandwan, is shown in yellow colour, which is in centre of ward No.5.

A perusal of the order dated 31.05.2021 passed by Additional Deputy Commissioner, Charkhi Dadri (Annexure P-5) shows that the objections (Annexure P-1) of the petitioner have not been dealt with in detail. However, the order only reflects that the present petitioner along with Ex-Sarpanch, Suresh Kumar and others was present before the Additional Deputy Commissioner and they got their statements recorded and the villages Kheri Boora and Pandwan falls in the same Panchayat Samiti. Further, the appeal has been rejected without even giving any reasoning with respect to the objections (Annexure P-1). Even, the site plan (Annexure P-3) depicts that village of the petitioner falls in the centre of ward No.5.

Learned State Counsel has not been able to dispute the fact that as per the site plan (Annexure P-3), the village of the petitioner falls in the centre of ward No.5. He further states that site plan (Annexure P-3) can be verified by official respondents.

Keeping in view the aforesaid factual position, order dated 31.05.2021 is set aside and the matter is being remanded back to respondent No.2, Additional Deputy Commissioner, Charkhi

Dadri, to pass a fresh order after going through the objections (Annexure P-1) as well as site plan (Annexure P-3), in accordance with law.

Accordingly, the instant petition stands disposed of.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

28.07.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No