

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

Sr. No.109

CWP-15230-2021

Date of Decision: 18.08.2021

JOGINDER SINGH

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

(Through video conference)

RITU BAHRI, J.

The present petition has been filed by the petitioner under Article 226/227 of the Constitution of India for issuance of writ in the nature of certiorari for setting aside the impugned order dated 20.05.2021 (Annexure P-3), list dated 20.05.2021 (Annexure P-4) and order dated 01.07.2021 (Annexure P-5), whereby reservation for the purpose of election of Zila Parishad, Ward No.19, District Sonapat has been carried out.

The grievance of the petitioner in the present petition is that the wardbandi made as per the notification (Annexure P-4) under Rule 4(9) of the Haryana Panchayati Raj Election Rules, 1994, has not been done as per Section 119 of the Haryana Panchayati Raj Act, 1994 and this wardbandi has been wrongly made basis for reservation of wards for the election of Zila Parishad. Learned counsel for the

petitioner has referred to the notice/memorandum dated 20.05.2021 (Annexure P-3), whereby the Deputy Commissioner and District Election Officer, Sonapat, have given final publication of the modified wardbandi of 24 wards of Sonapat and in this notice, it is specifically mentioned that all initial publication of wards was published on 26.04.2021 by the Additional Chief Secretary to the Government of Haryana, Development and Panchayat Department, Chandigarh. It is also specifically mentioned that in all the appeals received in the office of concerned Sub Divisional Officer and Additional Deputy Commissioner, Sonapat, decisions have been given by them after hearing the said appeals and thereafter the final publication has been done.

Notice of motion.

Mr. Ankur Mittal, Additional Advocate General, Haryana, accepts notice on behalf of the respondents and while referring to Annexure P-4, contends that before the final publication of the wardbandi, the petitioner had all the remedies to raise the objections by filing appeal, which he had not availed. Learned State Counsel further submits that the right to file appeal has been given in Rule 4 (6) (7) and (8) of Haryana Panchayati Raj Election Rules, 1994. Learned State Counsel contends that once the wardbandi is finalized, this wardbandi was rightly made basis for reserving the wards for the purpose of elections of Zila Parishad.

Learned counsel for the petitioner has not placed on record any document showing that he had filed objections with respect to the list published on 26.04.2021 and even has not stated

anything in petition whether any appeal was filed by him under Rule 4 (6) (7) and (8) of the Haryana Panchayati Raj Election Rules, 1994. The warbandi was finalized vide Annexure P-4 on 20.05.2021 and at that time, the petitioner had cause of action to raise his objections, if any, after 26.04.2021, as per Rules, which he has not done. Hence, the wardbandi has been finalized as per the Haryana Panchayati Raj Election Rules, 1994, and at this stage no interference is called for in the publication of final wardbandi (Annexure P-4), as all the decisions taken by the authorities in the meeting held on 01.07.2021 (Annexure P-5) are on the basis of wardbandi conducted and finalized vide Annexure P-4. Moreover, the petitioner has not availed the opportunity of filing objections, appeal, as per Rule 4 (6) (7) and (8) of the Haryana Panchayati Raj Election Rules, 1994. Hence, no ground is made out to entertain the present petition keeping in view that the petitioner had alternate remedies to challenge the proceedings of finalization of wardbandi, which he has not availed.

With these observations, the instant petition is dismissed.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

18.08.2021
Himanshu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No