

CWP-17582 of 2019 (O&M)

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

(PROCEEDINGS THROUGH V.C.)

CM-6527-CWP-2020 and
CWP-17582 of 2019 (O&M)
Date of Decision: 24.03.2021

Poonam

...Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present:- Mr. J.S. Hooda, Advocate, for the petitioner.
Ms. Shubhra Singh, Addl. A.G., Haryana.
Mr. A.S. Shera, Advocate, for respondent No.1.
Mr. Jagjot Singh, Advocate,
for Mr. Kunal Dawar, Advocate, for respondent No.4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 17.02.2021 following order was passed: -

“Learned State counsel to seek instructions in the matter with regard to the fact as to whether the term of the present Panchayat has come to an end and the date on which the fresh elections are proposed to be held.

List on 24.3.2021.”

In pursuance to the said order, communication dated 22.03.2021 has been received from the Director General, Development and Panchayats Department, Chandigarh, by the office of the Advocate General, Haryana, wherein it has been stated as follows: -

“In this regard, it is intimated that the term of five years of Gram Panchayats has since expired on 23.02.2021,

CWP-17582 of 2019 (O&M)

and thus the Gram Panchayats shall be deemed to have been dissolved on the expiry of said duration in view of the provision under sub-section (4) of Section 3 of the Haryana Panchayati Raj Act, 1994 and provisions of sub-section (2) of Section 52, sub-section (1) of the section 111 or sub-section (4) of section 158, as the case may be, shall be applicable. As per provision under section 3(2) of the HPR Act, 1994, an election to constitute a Gram Panchayat, Panchayat Samiti and Zila Parishad, as the case may be, shall be completed before the expiry of a period of six months from the date of its dissolution.

It is further intimated that an amendment was carried out in section 9, 59 & 120 of the Haryana Panchayati Raj Act, 1994 vide Act No.31 of 2020 notified on 07.12.2020. Draft rules for carrying out necessary amendment in the HPR Election Rules, 1994 have already been published in the Extraordinary Gazette on 18.03.2021. After inviting claims and objections, the final rules shall be published within 20 days. Further, on bifurcation of exiting Gram Panchayat, various new Gram Panchayats have been notified on 23.02.2021 and some Gram Panchayats have been shifted from one block to another block vide notification dated 16.03.2021. Thereafter, the determination of seats of Gram Panchayats, Panchayat Samitis and Zila Parishads are also required to be notified, which will take at least a period of 20 days.

It is also intimated that rule 4 of the Haryana Panchayati Raj Election Rules, 1994 provides for Wardbandi by the concerned competent authority as per number of seats determined. It will also take one month time to complete the process of Wardbandi. Seats are also required to be reserved for women, Scheduled Caste & Backward Classes Backward Classes-A, which may also take further times of about 20 days. Therefore, the aforesaid whole process will take about two months time.

CWP-17582 of 2019 (O&M)

It is further intimated that the aforesaid status has been communicated vide memo no. 13063 dated 22.03.2021 to the State Election Commission, Haryana for kind information and further action as per the provisions of Haryana Panchayati Raj Act, 1994.”

In the light of the above, the present writ petition is disposed of as having been rendered infructuous.

In view of the disposal of the present writ petition, no order is required to be passed in the CM. Hence CM stands disposed of.

(Augustine George Masih)
Judge

March 24, 2021
R.S.

(Ashok Kumar Verma)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No