

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

CWP-22092-2021

Date of decision: 01.11.2021

Manphool Singh

...Petitioner

Vs.

State of Haryana and another

...Respondents

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

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

Mr. Ankur Mittal, Addl. A.G., Haryana.

Ritu Bahri, J. (oral)

Petitioner is seeking direction to the respondents to conduct the elections of Panch, Sarpanch, Panchayat Samiti, Zila Parishad and Chairman of Zila Parishad and reserve the seats as per the proportion after inclusion of the castes as under:-

1-A. 'Aheria, Aheri, Hari, Heri, Thori, Turi';

**(ii) after entry 29, insert - "29A. Rai Sikh" in the
SC category by Bill No.19 of 2016.**

As per definition of population in the Haryana Panchayati Raj Act, 1994 "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

In the present case, the census of 2011 has been made basis for reserving the seats. Any increase or decrease of the population of any specific category thereafter (i.e. after 2011), cannot be made basis for carving out any seat for reservation.

Learned State counsel has referred to a judgment passed by the Division Bench of this Court in **Inderjit Singh and others vs. State of Haryana and others**, 2013 SCC OnLine (P&H) 15460, wherein while considering Section 6 of the Haryana Municipal Corporation Act, 1994, it has been held that every official census will be made basis for conducting elections and fixation of seats.

Section 7 of the Haryana Panchayati Raj Act, 1994, deals with the demarcation of 'sabha area'. As per Section 7 (2) of this Act, population has to be ascertained on the basis of last preceding decennial census, of which, the relevant figures have been published. Further, as per Section 9 (7), reservation of seats has to be reviewed after every decennial census.

In the present case, census of 2011 has rightly been made basis for demarcation of 'sabha area' and reservation of seats. Keeping in view the judgment passed in **Inderjit Singh's** case (supra), no ground is made out for giving any direction to the respondents.

No merits. Dismissed.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

01.11.2021
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No