

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-575-2022

Date of decision:11.07.2022

Hari Ram and others

...Petitioners

V/s.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Alok Mittal, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl.A.G., Haryana with
Mr. Saurabh Mago, A.A.G., Haryana.

Ritu Bahri, J.

Challenge in the present writ petition is to the notification dated 06.04.2021 (Annexure P-5) issued by Additional Chief Secretary to Government Haryana, Urban Local Bodies Department, Chandigarh-respondent No.1 whereby number of members to be elected for Municipal Council/Committee, Narnaul, Bhiwani, Ladwa and Assandh for the purpose of general elections had been fixed.

In response to the writ petition, reply dated 08.03.2022 has been filed by the Additional Director, Urban Local Bodies, Haryana on behalf of respondents No. 1 to 3. The stand taken therein is that vide letter dated 20.11.2020 (Annexure R-1), a request was sent by respondent No. 2 to the respective Deputy Commissioners, District Municipal Commissioners and Executive Officers/Secretaries to provide information of population of their Municipal Councils/Committees and spot population of extended area included in the municipal limit as per Census-2011 for re-determination of

number of seats as per Rule 3 of the Haryana Municipal Delimitation of Ward Rules, 1977 (in short, Rules, 1977). In response to letter dated 20.11.2020 (Annexure R-1), the Executive Officer, Municipal Council, Bhiwani submitted latest figures of population vide letter dated 21.01.2021 (Annexure R-2). Last time, the general elections of Municipal Council, Bhiwani were completed on 08.01.2017 and as per the latest census of the year 2011, total population in the area was 196057 and total 31 wards were fixed. The population of Scheduled Castes was 34927 and 06 wards/seats were reserved for Scheduled Castes as per the Rules, 1977.

Thereafter, the limits of Municipal Council, Bhiwani were extended vide notification No. 18/07/2018-3C1 dated 13.04.2018 (Annexure P-1). The total population was 210492 and total 31 wards were fixed. Population of Scheduled Castes was 37024 and 05 wards/seats were reserved for Scheduled Castes as per the Rules, 1977. Keeping in view the general elections of the municipality in the year 2022, 31 seats/wards and 5 seats/wards had been reserved for Scheduled Castes of Municipal Council, Bhiwani vide notification No. 52/7/2021-5C1 dated 06.04.2021 (Annexure P-5). Thereafter, notification No. 52/68/2021-2C1 dated 14.10.2021 (Annexure R-3) was issued in pursuance of the provision of Rule 9 of the Haryana Municipal Delimitation of Ward Rules, 1977, for delimitation of wards of Municipal Council, Bhiwani. All the objections/suggestions were sought before 23.10.2021. The Deputy Commissioner, Bhiwani and Executive Officer considered all the objections/suggestions including representation dated 20.09.2021 (Annexure P-12) made by Shri Ishwar Mann and others (including petitioner No.3). The Deputy Commissioner, Bhiwani submitted his report with respect to delimitation of wards on which

final notification No. 52/68/2021-2C1 was issued on 07.12.2021 (Annexure R-4).

Learned counsel for the State further informed that the elections were held on 19.06.2022 and even the final result has been declared on 22.06.2022.

Keeping in view the above fact, no direction can be given, at this stage. The writ petition is disposed of with liberty to the petitioners to take all the pleas in accordance with law, if so advised.

(RITU BAHRI)
JUDGE

11.07.2022

Divyanshi

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No