

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

CWP-1680-2021

Date of decision:- 13.09.2022

Mahender Singh and ors.

....Petitioners

vs.

State of Haryana and ors.

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Lupil Gupta, Advocate and Mr. Rohit Sharma, Advocate
for the petitioners.

Mr. Ankur Mittal, Addl.A.G. Haryana with
Mr. Saurabh Mago, AAG, Haryana
for respondent Nos. 1 to 6.

Mr. Kewal Krishan, Advocate
for respondent No. 7.

Ritu Bahri, J. (Oral)

Petitioners are seeking issuance of direction to the respondents to consider the representation dated 14.12.2020 (P-6) by passing a speaking order. Further prayer of the petitioners is for issuance of direction to the respondents to separate the Panchayat of Swami Nagar, Hans Colony, Harnam Singh Colony, Pipe Factory Colony, Bijli Board Colony and Adarsh Colony Fatehabad from the Gram Panchayat of village Matana, Tehsil and District Fatehabad.

On notice of the petition, a status report on behalf of respondent Nos. 1 to 5 has been filed. As per status report, on 09.11.2022, the Gram Panchayat Matana passed the resolution No.2 dated 29.11.2009, whereby it was requested to form the New Gram Panchayat of Swami Nagar, Hans Colony, Pipe Factory, Harnam Colony etc by bifurcating from

the Gram Panchayat Matana and after that the inhabitants of Kalidass Colony, Harnam Singh Colony, Swami Nagar, Hans Colony etc moved an application on 07.12.2009 before Panchayat Officer, Fatehabad for formation of the separate Gram Panchayat of Kalidasa Colony, Harnam Singh Colony, Swami Nagar. Hans Colony etc by bifurcating from the Gram Panchayat of village Matana with copy of resolution No 2 dated 29.11.2009 passed by the Gram Panchayat Matana. On receiving that application, the proper procedure was followed and after inspection, the required documents in Performa and Performa II were prepared and the application of inhabitants of Kalidass Colony. Harnam Singh Colony, Swami Nagar, Hans Colony etc was forwarded to the respondent No.2, for formation of separate Gram Panchayat of Kalidass Colony, Harnam Singh Colony, Swami Nagar, Hans Colony etc and the same was received late in the office of the respondent No.2, but unfortunately the last date for receiving the application for formation of separate Gram Panchayat was 07.12.2009 and as such no decision of any kind on the formation of Gram Panchayat of Swami Nagar, Hans Colony, Harnam Singh Colony etc was taken and the original file was returned back by the respondent No.2 with the direction to submit the fresh file again for formation of Gram Panchayat in the year 2014 according to the population of the census in the year 2011. After that no application has been submitted for formation of separate Gram Panchayat. After passing order dated 09.12.2020, passed by this Court in CWP No. 21187-2020, the matter was referred to Higher Authority for deciding the representation in respect of formation of separate Gram Panchayat of Kalidass Colony, Harnam Singh Colony, Swami Nagar, Hans Colony etc and the meeting of High Powered Committee was scheduled on 16.12.2020. After that in this

regard, letter was also sent by Deputy Commissioner, Fatehabad to the respondent No.2 Director for formation of separate panchayat.

As per the notification No.52/5/2021-5CI dated 18.05.2021 (Annexure R-1) issued by the Haryana Government Urban Local Bodies Department, the Municipal Council has been extended and now Kalidass Colony (comprised in Khasra No 344, 204, 205), Hamam Singh Colony (comprised in Khasra No.345, 346, 347, 348, 353, 354, 203, 206), Swami Nagar (comprised in Khasra No.201, 202, 227, 228 and 189). Hans Colony comprised in Khasra No.192, 193, 159, 160, 161, 162, 191, 194, 197), Pipe Factory Colony (comprised in Khasra No.225, 204 and 205) and Bijli Board Colony (comprised in Khasra No.198, 199) are covered and falls in the Municipal Council, Fatehabad and the same is not covered under the Gram Panchayat.

Keeping in view the above factual position, the present petition is dismissed as having become rendered infructuous.

(RITU BAHRI)
JUDGE

13.09.2022
G Arora

(NIDHI GUPTA)
JUDGE

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