

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-4445-2022

Manphool Singh and othersPetitioners
vs.

State of Haryana and ors. ...Respondents

2. CWP-4490-2022

Balwan Singh and anr.Petitioners
vs.

State of Haryana and ors. ...Respondents

Date of decision:- 12.10.2022

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

Present: Mr. Ajay Vijarania, Advocate
for the petitioner (s) in both the petitions.

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

Ritu Bahri, J.

This order shall dispose of the above two petitions seeking quashing of order dated 24.01.2022 and 03.02.2022 (P-3 and P-5) passed by respondent No. 2 and 3; final publication of wardbandi dated 10.02.2022 (P-7) and draw of reservation of candidates of Zila Parishad dated 24.02.2022. However, for facility of reference, the facts are being taken from CWP-4445-2022.

The schedule of publication of wardbandi of Panchayat Samiti and Zila Parishad reads as under:-

Sr. No.	Description	Date
1.	Initial publication of wards under Rule 4 (5)	12.01.2022
2.	Invitation of objections by concerned Sub Divisional Officer (Civil) Rule 4 (6)	13.01.2022 to 17.01.2022

3.	Decision on received objections by concerned Sub Divisional Officer (Civil) Rule 4 (7)	18.01.2022 to 24.01.2022
4.	Appeal against order of Sub Divisional Officer (Civil) by concerned Additional Commissioner, Rule 4 (8)	25.01.2022 to 28.01.2022
5.	Decision of appeal by Additional Commissioner, Rule 4(8)	30.01.2022 to 08.02.2022
6.	Final Publication of wards Rule 4 (9)	Till 11.02.2022

In the list issued on 12.01.2022, villages Kakroli Hatti and Kakroli Sardara, Tehsil Badhra, District Charkhi Dadri were shown in Ward No. 7. Against this, 156 persons including petitioners have forwarded their suggestions and supporting affidavits with objections of 46 persons including 06 Ex Sarpanches, 04-Lambardards, 01 Generalist, 02 Ex panchayat Samiti Members, 02 Chowkidars and 30 Ex Panches before Sub Divisional Officer, Badhra. (Annexures P-1 and P-2 respectively). The objections were dismissed on 24.01.2022 (P-3). Petitioners filed appeal (P-4) against the above order on 28.01.2022, which was also dismissed on 03.02.2022 (P-5) on the ground that if the villages of the petitioners will be included in ward No. 6, it will enhanced the population of ward No. 6.

On 31.03.2022, this Court passed the following order:-

“Learned counsel for the State has produced the record along with the layout plan which shows that villages Kakroli Sardara and Kakroli Hatti, could not be shifted to Ward No. 6. In the same way, village Berla, could not be shifted to ward No. 8. He has further stated that the notification for 'Wardbandi' for the Zila Parishad was issued on 12.01.2022. The objections were to be filed by 17.01.2022 and the petitioners had filed the objections. They were decided by the concerned SDO(C), on 24.01.2022. An appeal was filed by the petitioners on 28.01.2022, which was decided on 03.02.2022. Final notification was issued on 17.02.2022 and reservation

notification was issued on 24.02.2022 whereby two seats were reserved for SC category i.e. Ward No. 10 (for SC Female) and Ward No. 4. Ward Nos. 1 and 11 were reserved for Backward Class (female).”

In compliance of the above order, status report by way of affidavit of Dr. Sanjay Kumar, Sub Divisional Officer (C) Badhra has been filed. As per this status report, in preliminary publication of Zila Parishad Wardbandi, Village Kakroli, Sardara and Kakroli Hatti were kept in Zila Parishad Ward No. 7. Against this preliminary publication, the petitioners filed objections before respondent No. 4 and requested to change Village Kakroli Hatti and Kakroli Sardara from Zila Parishad Ward No. 7 to 6.

Further it has been stated that total 06 suggestions were received in the office of Sub Divisional Officer (C) Badhra in which 04 suggestions, total 295 persons of both the villages Kakroli Hatti and Kakroli Sardara are in favour to keep villages Kakroli Hatti and Kakroli Sardara in Zila Parishad Ward No. 7 and in 02 suggestions, total 163 persons of both the villages want to change villages Kakroli Hatti and Kakroli Sardara in Zila Parishad Ward No. 7 to Ward No. 6, but in suggestion No. 6, total 158 villagers including petitioners stated that if villages Kakroli Hatti and Kakroli Sardara in Zila Parishad are changed from Ward No. 7 to Ward No. 6 then as per percentage of population Ward No. 6 will be reserved for Scheduled Caste. Thereafter, after examining all this, respondent No. 4 found that the majority of suggestions and villagers of both the villages are in favour to keep villages Kakroli Hatti and Kakroli Sardara in Zila Parishad Ward No. 7. In suggestion No. 6, total 158 villagers including petitions who stated that if villages Kakroli Hatti and Kakroli Sardara in Zila Parishad are changed from Ward No. 7 to Ward No.

6 then as per percentage of population, Ward No. 6 will be reserved for Scheduled Caste seems to be politically influenced.

Reference has been made to Rule 4 (2) of Haryana Panchayati Raj Election Rules, 1994, the wards for Panchayat Samitis and Zila Parishads shall be determined keeping in view the compactness of villages on ground as far as possible and as per rule 4 (3) in any ward of Panchayat Samiti and Zila Parishad, the sabha area shall, as far as possible, be completely included.

The objections of the petitioners have rightly been rejected by taking into consideration compactness of both the villages along with District Map and desire of majority of both the villagers of both the villages. The photocopy of District Map has been placed on record as Annexure R-1 to show that publication of Zila Parishad Wardbandi started from East Side of District Charkhi Dadri.

The petitioners have not filed any replication to controvert the reply filed above.,

In view of the detailed reply, the present petition is dismissed, as proper procedure has been followed in final publication of wardbandi.

(RITU BAHRI)
JUDGE

12.10.2022
G Arora

(NIDHI GUPTA)
JUDGE

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