

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13220-2022

Date of decision: 04.07.2022

Karan Singh and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Sumit Sangran, Advocate,
for the petitioners.

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

Ritu Bahri, J. (Oral)

The petitioners are challenging the notifications dated 21.09.2021 and 01.04.2022 (Annexures P-1 & P-2 respectively) qua inclusion of village Hansawas Khurd in Municipal Committee, Badhra, District Charkhi Dadri.

Along with the petition, petitioners have placed on record a resolution dated 20.05.2022 (Annexure P-3). They also made representations dated 24.05.2022 (Annexures P-4 and P-5) before respondent Nos. 3 and 4 to consider the aforesaid resolutions.

This question has been considered in detail by a Division Bench of this Court in **Gram Panchayat, Manne Majra and others vs. State of Punjab and others**, CWP No.17225 of 2008 (decided on 02.04.2012). In that case, challenge was to the notification dated 07.03.2008, whereby Chamkaur Sahib was notified as a transitional area under the Punjab Municipal Act, 1911 and order dated 02.07.2008, vide

which, transitional area was notified as Nagar Panchayat. Further challenge was made to the notification dated 18.07.2008 under Section 4 (1) of the Act constituting Nagar Panchayat, Chamkaur Sahib in respect of villages Chamkaur Sahib, Saloh Majra, Manne Majra and Raipur of District Rupnagar. The above said writ petition was dismissed by observing that action of the State Government in notifying constitution of the Municipality or extending the limit is a legislative function and the same does not require an opportunity of hearing. Even if, the statute contemplates an opportunity of hearing, the rigour of grant of opportunity of hearing is not the same as is required for an administrative or quasi judicial function nor such opportunity can deem to include opportunity of personal hearing. In the above said case, reference was made to a Full Bench judgment of this Court in **Gram Sabha Begowal vs. State of Punjab**, ILR (1981) 1 P&H 293, relying upon the judgment passed by Hon'ble the Supreme Court in **Tulsipur Sugar Co. Ltd. vs. Notified Area Committee**, (1980) 2 SCC 295 and it was held that challenge to the creation of Notified Area Town Area on the ground that it was done without affording opportunity of hearing or filing of objections, is not sustainable. In that case, a Notified Area Committee was constituted in terms of Section 241 of the Punjab Municipal Act, 1911, which did not provide for any opportunity of hearing as was provided in Sections 4 to 7 of the Act. The Full Bench held that Sections 241 and 242 of the Act were not ultra vires Article 14 of the Constitution as there was no provision for inviting objections from the inhabitants of the area before declaring a notified area. The Division Bench further observed that decision of the State Government constituting the Notified Area Committee was in larger public interest keeping in view the non agricultural

activities, which were found to be existing in the area in question and is in tune with the changing times. Ultimately, the writ petition was dismissed. The said judgment was followed by this Court in **Randhir Singh vs. State of Haryana and others**, CWP-18948-2015 (decided on 23.09.2015). In **Randhir Singh's** case (supra), challenge was to the notification dated 08.04.2015, whereby Gram Panchayat of village Bilaspur had been bifurcated into two separate Gram Panchayats i.e. Gram Panchayat, Bilaspur Kalan and Gram Panchayat, Bilaspur Khurd. Being aggrieved, Randhir Singh challenged the said judgment before Hon'ble the Supreme Court by filing Special Leave to Appeal (C) No.32899 of 2015, which was dismissed vide order dated 14.12.2015.

Similarly, in **Som Parkash and others vs. State of Haryana and others**, CWP-18459-2015 (decided on 14.10.2015), challenge was to the notification dated 19.06.2015, whereby Gram Panchayat, Radur, was declared to be a Municipality by merging villages Chhotabans and Radaur on the ground that it was in violation of Section 2-A of the Haryana Municipal Act, 1973. The said petition was dismissed by referring to the judgment passed in **Gram Panchayat, Manne Majra's** case (supra).

In the present case as well, notifications dated 21.09.2021 and 01.04.2022 (Annexures P-1 and P-2), whereby village Bansawas Khurd has been included in the Municipal Committee, Badhra, District Charkhi Dadri, cannot be challenged on the ground that a resolution dated 20.05.2022 (Annexure P-3) has been passed by the Gram Panchayat/Gram Sabha. Since it is the legislative power of the Government under the Haryana Municipal Act, 1973, it (Government) can create and bifurcate the municipal committees and include any village(s) in the municipal committee(s).

Keeping in view of the above discussion and the ratio of the judgment passed in ***Gram Panchayat, Manne Majra's*** case (supra), no case is made out to set aside the notifications dated 21.09.2021 and 01.04.2022 (Annexures P-1 and P-2).

Dismissed.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

04.07.2022
ajp

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