

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

CWP-15368-2018

Date of decision:- 07.09.2022

Baldev Singh & ors.Petitioners

VS.

State of Punjab and ors. ...Respondents

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

Present: Mr. Gurvinder Singh Bhandari, Advocate
for the appellant.

Ms. Anu Pal, Sr. DAG, Punjab

Mr. Parul Singh Saini, Advocate
for respondent No. 4

Ritu Bahri, J. (Oral)

In the instant petition, challenge is to notification dated 13.03.2018 (P-1) vide which the separate Panchayat namely Basti Jaskaran Singh has been formed.

On notice of this petition, a reply dated 26.09.2018 has been filed by respondent Nos. 1 to 3 stating therein that 48 residents of the village Jaskaran Singh submitted a representation (R-1) that a new Gram Panchayat of Village Jaskaran Singh be constituted. They stated that as the population of their village is about 795 and the distance between their village and Lakha Singh Wala is about 2 km and due to this, there is lack of development works in their village and residents of village are facing problems in getting their work done. Thereafter, about 547 members of the Gram Sabha Lakha Singh Hithar under the chairmanship of the Harbans Singh Sarpanch convened a meeting and passed a resolution dated 9.10.2017 for establishment of New Gram Panchayat Jaskaran Singh. On

receipt of the above representation (Annexure R-1) and resolution dated 9.10.2017, the office of the Block Development and Panchayat Officer, sent the case to the office of the DDPO, Ferozepur i.e. respondent No. 3, who further sent the same to the office of the Director Rural Development and Panchayats i.e. Respondent No. 2. However, the office of respondent No. 2 returned the case with certain objections to the office of the DDPO, Ferozepur. After removing the objections the case was again sent to the office of the Director, Rural Development and Panchayat i.e. the respondent No. 2 by the office of the DDPO Ferozepur, vide its letter dated 14.12.2017 by removing the objections (Annexure R-2).

Some objections were raised for the establishment of the new Gram Panchayat Jaskaran Singh wala, which were considered and thereafter, the Deputy Commissioner, Ferozepur, also sent its recommendations for the establishment of the new Gram Panchayat namely Basti Jaskaran Singh out of Gram Panchayat Lakha Singh Wala Hithar, vide letter dated 30.1.2018 (Annexure R-3). After considering all the material available on the record, the approval was granted for establishing the new Gram Panchayat on 21.12.2017. Thereafter, notification dated 13.3.2018 (Annexure P-1) was issued. The advantages which would follow the notification of New Gram Panchayat:

- (i) *Direct funds from the State Government would be allocated/budged for the development of the Village/Abadi of New Gram Panchayat Basti Jaskaran Singh.*
- ii) *It would be beneficial for the residents since they would not have to travels the 2 km distance to get their work done from old Gram Panchayat.*
- iii) *The residents would be able to administer and solve their problems more efficiently since they would be involved in decision making process.*

iv) Better development like brick lining of streets etc would be undertaken. Apart from this various development works/schemes will be accelerated.

It has been further stated in the reply that the Gram Panchayat of the petitioners has been dissolved vide notification dated 16.7.2018. Thus, the present writ petition has become infructuous. Further the notification dated 13.3.2018 (Annexure P-1) has been issued on the demand of the residents of the village Jaskaran Singh for their welfare.

On 17.07.2019, a reply by way of affidavit of respondent No. 4 has also been filed stating therein that more than 500 members of the Gram Sabha Lakha Singh Hithar passed a resolution dated 09.10.2017 (R-4/1) for establishment of the said Gram Panchayat. The present writ petition has been filed after dissolution of the Gram Panchayat of village Lakha Singh Wala. The notification dated 13.03.2018 (P-1) has been issued after considering all the representations.

Till date, the petitioners have not filed any replication to the reply filed by respondent Nos. 1 to 3 and 4 respectively.

The present writ petition is liable to be dismissed keeping in view the fact that the notification dated 13.03.2018 (P-1) is beneficial for the larger public of the village of the said Gram Panchayat, as mentioned above.

No merits.

Dismissed.

(RITU BAHRI)
JUDGE

07.09.2022
G Arora

(NIDHI GUPTA)
JUDGE