

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

CWP-26054-2022

Date of decision:- 16.11.2022

Ramesh Chand and ors.

....Petitioners

vs.

State of Haryana and ors.

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Jatinder Nagpal, Advocate
for the petitioners.

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

Ritu Bahri, J. (Oral)

In the instant petition, petitioner is seeking quashing of notification dated 03.07.2009 declaring the local area of village Hassanpur in District Palwal to be area of Committee in the name of Municipal Committee in the name of Municipal Committee, Hassanpur in District Palwal, in place of Gram Panchayat.

At this stage no directions can be given to the respondents to create separate Municipal committee or bifurcation of Gram Panchayat, keeping in view the judgment of this Court in a case of ***Hardeep Singh vs. State of Punjab and others, passed in CWP No. 344-2020, decided on 11.03.2022*** , wherein also petitioner was challenging notification dated 06.06.2018 whereby new Gram Sabbha has been carved out from the existing Gram Sabha areas. This Court dismissed the writ petition and held that new Gram Sabha Basti Ranjit Singh has been created by following proper procedure of law such as passing resolutions and verification. The

operative part of the judgment reads as under:-

“Reference was made to Division Bench judgment passed by this Court in **CWP-15594-2015** titled as ***Latif vs. State of Haryana and others, decided on 03.09.2015***, wherein it has been held that there was no provision that resolution is necessary to be passed by existing Gram Panchayat for carving out a new Gram Panchayat.

However, in the facts of the present case, on 26.12.2017 General Ijlas Gram Panchayat Chak Kherewala was passed under the chairmanship of Amandeep Kaur for establishing the new Gram Sabha Basti Ranjit Singh and 65 Gram Sabha members were present. Then the said resolution was sent by respondent No. 4-Block Development and Panchayat Officer, Block Jalalabad, District Fazilka, Punjab to Sub Division Magistrate, Jalalabad (West) for verifying the population and after adopting due procedure, new Gram Sabha Ranjit Singh was established by respondent No. 1 vide notification dated 06.06.2018 (Annexure P-2).

At this stage, reference can be made to Full Bench judgment passed by this Court in the case of ***Gram Sabha Begowal vs. The State of Punjab and others, 1981 AIR (Punjab and Haryana) 101***. After examining Sections 52, 241, and 242 of the Punjab Municipal Act, 1911, the Full Bench held that the State Government had to apply its mind fully to consider the *pros and cons* whether area can be constituted as a municipality or to constitute that area into a notified area. There was no provision in the Act which invites objections from the inhabitants of the area and hence such provision is not *ultra vires* to Articles 14 and 19 of the Constitution of India. The said judgment was followed thereafter in **CWP- 17225-2008** titled as ***Gram Panchayat, Manne Majra and others vs. State of Punjab***, decided on 02.04.2012. In ***Gram Panchayat, Manne Majra's case (supra)***, Division Bench of this Court was considering notification dated 07.03.2008, whereby Chamkaur Sahib

was notified as a transitional area under the Punjab Municipal Act, 1911. While dismissing the said petition, reference was made to the Full Bench judgment passed in ***Gram Sabha Begowal's case (supra)*** and the judgment passed by the Supreme Court in ***Sub-Divisional Officer vs. Mehar Singh, (1988) 4 SCC 200*** in which the judgment of ***Gram Sabha Begowal's case (supra)*** was approved.

After the judgment of ***Sub-Divisional Officer's case (supra)***, consistent view has been taken in ***State of Punjab vs. Tehal Singh (2002) 2 SCC 7*** and in ***Sundarjas Kanyalal Bhatija & others vs. Collector, Thane, Maharashtra and others, AIR 1990 SC 261*** that establishing of a separate Gram Sabha or Municipality do not require providing opportunity of hearing to the residents of the concerned area.

Finally, the Division Bench in ***Gram Panchayat, Manne Majra's case (supra)***, referred the judgment passed by the Supreme Court in ***State of U.P. vs. Pradhan Sangh Kshettra Samiti, 1995 Supp (2) SCC 305*** wherein establishment of common Gram Sabha was under challenge and the Supreme Court held that the Court cannot substitute the concept of village and it is for the Government to decide in what manner the panchayat areas and the constituencies in each panchayat area will be delimited. It is not for the Court to dictate the manner in which the same should be done. So long as the panchayat areas and the constituencies are delimited in conformity with the constitutional provisions or without committing a breach thereof, the courts are not supposed to interfere with the same.

In the facts of the present case, new Gram Sabha Basti Ranjit Singh has been created by following proper procedure of law such as passing resolution and verification and, thereafter, respondent No. 1 established new Gram Sabha Basti Ranjit Singh vide notification dated 06.06.2018 (Annexure P-2). Moreover, election in Gram Sabha Basti Ranjit Singh has been conducted on 30.12.2018 and Sh.

Raghbir Singh has been elected for the post of Sarpanch, and Panchayat is working for the welfare of the residents.

In view of the above mentioned judgment, no ground is made out to quash impugned notification/order.

No merits.

Dismissed.

(RITU BAHRI)
JUDGE

16.11.2022
G Arora

(MANISHA BATRA)
JUDGE

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