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

CWP-11466-2018

Date of Decision: 06.03.2024

Salwinder Kaur Panch and others

....Petitioners

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Narinder Pal Singh Mann, Advocate
for the petitioners.

Mr. Sartaj Singh Gill, Sr. D.A.G., Punjab.

SUDHIR SINGH, J. (Oral)

1. Petitioners have filed the instant Writ Petition under Articles 226/227 of the Constitution of India seeking a writ in the nature of Certiorari for quashing the notification dated 14.03.2018 (Annexure P-3) whereby another Gram Panchayat Mari Kamboke Havalian was carved out of original Gram Panchayat of Mari Kamboke on the basis of a resolution dated 30.10.2017 (Annexure P-2) passed by the Administrator of Gram Panchayat Mari Kamboke. A further prayer has been made that the operation of the impugned notification dated 14.03.2018 (Annexure P-3) be stayed.

2. Petitioners' contend that the resolution dated 30.10.2017 (Annexure P-2) passed by Administrator and also the consequent notification dated 14.03.2018 (Annexure P-3) are illegal and without jurisdiction as the resolution was not passed by Gram Panchayat concerned.

3. In response to the Writ Petition, learned State counsel has filed a short reply by way of affidavit dated 21.08.2019 of Director, Rural

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Development and Panchayat, Punjab; indicating that in pursuance of an order dated 28.03.2019 passed in this case, necessary instruction/ circular dated 24.04.2019 (Annexure R-1/T) has been issued by the State Government reiterating the earlier guidelines/ instructions issued vide Memo dated 07.11.2012 (Annexure R-2/T) laying down/ prescribing that the Administrator could only carry out development works as per order passed by District Development and Panchayat Officer.

4. In the light of the said guidelines (Annexures R-I/T and R-2/T), it has been contended by learned counsel for the respondent-State that no action whatsoever, shall be taken in the light of the notification dated 14.03.2018 (Annexure P-3), by which the petitioner is aggrieved and in future, if any exercise as regarding bifurcation of Gram Panchayat is to be carried out, it can only be in conformity with the procedure prescribed by law.

5. Considering the same, no further order is required to be passed and the instant writ petition is disposed of in the aforestated terms.

6. All pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(HARSH BUNGER)
JUDGE

06.03.2024

Himani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No