

2025:PHHC:044696-DB



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

1. CWP-1199-2021(O&M)

VILLAGE PANCHAYAT MALERNA

.....Petitioner

Versus

UNION OF INDIA & ORS.

.....Respondents

2. CWP-2373-2021(O&M)

VILLAGE PANCHAYAT MACHHGARH

.....Petitioner

Versus

UNION OF INDIA & ORS.

.....Respondents

3. CWP-3489-2021(O&M)

VILLAGE PANCHAYAT NAWADA

.....Petitioner

Versus

UNION OF INDIA & ORS.

.....Respondents

4. CWP-1256-2021(O&M)

VILLAGE PANCHAYAT CHANDAWALI THROUGH ITS
AUTHORIZED REPRESENTATIVE JASWANT SINGH
.....Petitioner

Versus

UNION OF INDIA & ORS.
.....Respondents

5. CWP-2365-2021(O&M)

VILLAGE PANCHAYAT SAHUPURA
.....Petitioner

Versus

UNION OF INDIA & ORS.
.....Respondents

6. CWP-1314-2021(O&M)

DINESH KUMAR & ANR
.....Petitioners

Versus

STATE OF HARYANA & ORS.
.....Respondents

7. CWP-15117-2023(O&M)

ZILE SINGH & ORS
.....Petitioners

Versus

STATE OF HARYANA & ORS.
.....Respondents

Reserved on: 27.02.2025
Pronounced on: 19.03.2025

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Suvir Sidhu, Advocate and
Mr. Pranshul Dhull, Advocate
for the petitioner (in CWP-1199 and 1256-2021).

Mr. Hardeep Bisla, Advocate
for the petitioner (in CWP-2373-2021).

Mr. Ravi Malik, Advocate
for the petitioner (in CWP-3489-2021 and 2365-2021).

Mr. Sanjay Verma, Advocate
For the petitioner (in CWP-1314-2021).

Mr. Vikram Singh, Advocate and
Mr. Harkirat Singh, Advocate
for the petitioner (in CWP-15117-2023).

Mr. N.K. Vashist, Sr. Panel Counsel for respondent-UOI.

SUDHIR SINGH, J.

This order shall dispose of the above noted batch of 7 writ petitions, as common questions of law and facts are involved therein. In six writ petitions, the challenge is to the notification regarding alteration of the municipal limits of Municipal Corporation, Faridabad, whereas in CWP-15117-2023, the challenge is to the notification dated 13.08.2022, regarding the inclusion of the village of the petitioners (Khanpur), in the Municipal Council, Pataudi-Mandi, but the issue raised is common. For the facility of reference, the facts are taken from CWP-1199-2021.

2. The petitioner has sought issuance of a writ in the nature of Certiorari quashing the Notification dated 30.12.2020, whereby the alteration of municipal limits of Municipal Corporation, Faridabad

was specified, alleging the same to be unjust, arbitrary, discriminatory and violative of Article 14 of the Constitution of India.

3. It is the case of the petitioner that the Central Government had issued fresh instructions for freezing the boundaries of the administrative units for Census 2021 vide communication dated 28.07.2020, in compliance of Rule 8 Sub Rule (iv) of Census Rules, 1990, Various State Governments, in consonance with the terms of the aforesaid communication, had also issued notifications, wherein it was specifically mentioned regarding the date of extension of freezing the boundaries of administrative units for Census-2021 purposes. It is further pleaded by the petitioner that the State of Haryana has also frozen its administrative boundaries till 31.03.2021. Initially, a memo dated 07.09.2020 was issued, proposing inclusion of 26 villages in the Municipal Corporation, Faridabad, but subsequently, a second memo was issued regarding extension of municipal limits of Municipal Corporation, Faridabad by including 31 villages in its limit. Thereafter, on 30.12.2020, the impugned notification was issued regarding the extension of municipal limits, specifying the area after alteration thereupon. It is further the case of the petitioner that the petitioner had earlier approached this Court by way of CWP-20830-2020, but vide order dated 04.12.2020, the said writ petition was dismissed as withdrawn with liberty to file a fresh one. The petitioner has, thus, alleged that inclusion of the petitioner village within the 24 villages into the limits of Municipal Corporation, Faridabad at the stage when the elections have already been scheduled, is wholly *malafide*, illegal, unjust, arbitrary, discriminatory.

4. In the written statement filed by the respondent No.2-State of Haryana, it is pointed out that the house of Municipal Corporation, Faridabad had passed a resolution regarding extension of the area of the Corporation which was circulated on 26.10.2020. It is further pointed out that the said recommendations had been thoroughly examined and considered by the Department of Urban Local Bodies Haryana. It is further pointed out that the Haryana Government Revenue and Disaster Management Department, vide notification dated 19.02.2021 notified that administrative boundaries of all the Districts, Tehsils, Towns etc., shall stand frozen with effect from 01.04.2021 till the completion of census. It is further pointed out that the impugned notification altering the limits of Municipal Corporation, Faridabad had been issued much earlier than the aforesaid notification dated 19.02.2021. It is further pointed out that the impugned notification is nowhere in contravention of the notification issued by the Revenue Department for freezing the administrative limits of Districts, Tehsils and Towns.

5. A separate reply has been filed on behalf of respondent No.3, pointing out therein that resolution passed by the Municipal Corporation, Faridabad was considered by the Government and that due opportunity of hearing had been granted to the affected parties.

6. We have heard learned counsel for the parties and have also gone through the record of the case.

7. It may be noticed that during the hearing of the arguments, the learned State counsel has produced in Court a copy of the notification dated 04.02.2025 issued by the State Election Commission, Haryana, thereby scheduling the election for the posts of Mayors and Members of all the wards of Municipal Corporation, Faridabad, Gurugram, Manesar, Hisar, Karnal, Panipat, Rohtak & Yamuna Nagar and bye-elections for the 02 vacant seats of Mayors i.e., Municipal Corporations, Sonapat & Ambala.

8. We may notice that as the elections for the Municipal Corporations in the State of Haryana, as indicated above, have already been scheduled and by now the same must have been concluded and the new office bearers must have assumed their offices, the present set of petitions, has become infructuous.

9. In this regard, we may rely upon the order dated 24.02.2025 of Hon'ble Supreme Court in Civil Appeal Nos.7002-7004/2011, titled as **State of Haryana & Ors. etc.** vs. **V.K. Kapoor & Ors. etc.** In the said case, this Court had accepted the challenge to the merging of certain municipal bodies as well as Gram Panchayats. The matter went to the Hon'ble Supreme Court and the Hon'ble Supreme Court had observed that it was not in dispute that some of the respondents, who were the writ petitioners before the High Court, had participated in the election and some of them were stated to have been elected as members and were accordingly, functioning as the Councilors of the Municipal Corporation. It was further observed that disturbing the elected body at a later stage, would be highly

undesirable and disproportionate. The relevant extracts from the said order reads as under:-

“ Constitution of the Panchkula Municipal Corporation by merging certain Municipal Bodies as well as the Gram Panchayats was challenged before the High Court. The High Court accepted the challenge. Resultantly, these appeals have been filed wherein an interim order was passed staying the operation of the order of the High Court. Pursuant to the said interim order of this Court, the constitution of the Municipal Corporation was re-notified and, furthermore, elections to the said body were held in June 2013. It is not in dispute that some of the respondents, who were the writ petitioners before the High Court, had participated in the election and some of them are stated to have been elected as Members and are accordingly functioning as the Councilors of the Municipal Corporation.

As an elected body has come into place in which some of the aggrieved writ petitioners themselves are members we are of the view that, regardless of the question(s) of law that may arise, we ought not to answer the same in the present appeals. Disturbing the elected body, at this stage, would be highly undesirable and disproportionate and, therefore, is an exercise that this Court ought to refrain from. We order accordingly by saying that the judgment of the High Court has become redundant in view of the subsequent developments. However, our aforesaid observation is only insofar as the present appeals are concerned and will not affect the pendency of other cases on similar issues

which may be presently pending before the High Court.

The appeals are disposed of in the above terms.”

10. In view of the change of circumstances due to the subsequent events, as noticed above, the present batch of petitions has become infructuous and the writ petitions are disposed of accordingly. However, the issue raised therein, is left open to be considered and adjudicated upon in appropriate proceedings.

11. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

19.03.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No