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In the High Court of Punjab and Haryana at Chandigarh

[211]

CWP-1732-2021

SIMERJIT KAUR

..... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CWP-2036-2021

RAJINDER SINGH AND ANR.

..... PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

Date of Decision: 18.08.2025

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Kanav Goyal, Advocate for
Mr. Pardhuman Garg, Advocate for the petitioner(s).
in both cases.

Mr. Rahul Rampal, Addl. A.G. Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. The challenge in the writ petition No.1732 of 2021, is to the notification dated 31.12.2020 (Annexure P-9), by which the Nagar Panchayat, Rampura has been de-notified under Section 5 of the Punjab Municipal Act, 1911(hereinafter referred to the as “the Act”) whereas in another connected writ petition No.2036 of 2021, the challenge is also to quash the notification dated 31.12.2020 (Annexure P-12), by which Nagar Panchayat, Balianwali, has been de-notified under Section 5 of the Act.

2. Learned counsel appearing for the petitioners argue that once Nagar Panchayat, Rampura and Balianwali, were constituted, the same could not have been de-notified and, hence, the act on the part of the respondents in passing the impugned notifications dated 31.12.2020 denotifying the

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Nagar Panchayat, Rampura and Balianwali, is incorrect and the same is liable to be set aside.

3. Learned counsel appearing on behalf of the respondents submits that though the Nagar Panchayat, Rampura/Nagar Panchayat, Balianwali was constituted after the Gram Panchayat was upgraded, but thereafter the Nagar Panchayat(s) suffered heavy losses and the continuation of the Nagar Panchayat was not financially viable and even the development works for which the urban local bodies were constituted could not be performed and, therefore, it was decided to de-notify the same, so that the Gram Panchayat, Rampura/Gram Panchayat, Balianwali could be constituted and development work could be ordered and executed.

2. We have heard the learned counsel for the petitioners and gone through the record with their able assistance.

3. It may be noticed that as per the settled principle of law settled by the Single Judge of this Court in CWP No.5424 of 2010, titled as **“Gram Panchayat, Bhadson Vs. State of Punjab and others”**, the creation and de-notification of a Gram Panchayat is a legislative function and the same cannot be brought for adjudication before the Court. The said judgment was upheld by the Division Bench in **LPA No.1369 of 2010**, titled as **“Gram Panchayat, Bhadson Vs. State of Punjab and others”**, vide order dated 28.10.2010. The relevant paragraphs of the judgement passed in CWP No.5424 of 2010 reads as under:-

11. Since it has been held that creation of Nagar Panchayat is a legislative function of the State and the prescribed mode of inviting objections and dealing with them has been adhered to, this Court cannot sit in judgment whether the reasons for rejecting the objections were valid or not? The Writ Court is not a Court of Appeal. So long as the parameters are followed and the



authorities have acted in the manner prescribed, the power of the Court to hold a judicial review is limited.

12. A Division Bench of this Court in **Mrs. Swaran Lata Jain and others v. State of Punjab and others, 2008(4) RCR (Civil) 278** held as under:-

*“8.....In any case, it is prerogative of the State to decide about the extension of the municipal areas and it is not for the Court to venture unless any action of the State Government or its functionaries is shown to be actuated and influenced by apparent bias and mala fide based upon specific and concrete allegations on the basis of verifiable facts. There is nothing on record. The power of judicial review in such matters has to be exercised with utmost care and has to be circumscribed with constitutional and statutory limitation. Hon’ble Supreme Court in the case of **State of U.P. and others V. Pradhan Sangh Kshettra Samiti, 1995(2) R.R.R. 181: 1995 Supp (2) Supreme Court Cases 305** made following observations:-*

“44. 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 would be done. So long as the Panchayat areas and the constituencies are delimited in conformity with the constitutional provisions or without committing a breach other of, the courts cannot interfere with the same.....”

4. In the present case also, the Nagar Panchayat, Rampura and Nagar Panchayat, Balianwali were de-notified, so as to create Gram Panchayat, Rampura and Gram Panchayat, Balianwali, so that the development work could be undertaken. The reasons given by learned counsel for the respondents are valid, as the Nagar Panchayats/Gram Panchayats are created for the welfare of the resident(s) of the area. Once, the urban local bodies constituted were creating financial problem for the development of the area, the decision so taken so as to revert back to the rural body of Gram Panchayat, cannot be treated as arbitrary and illegal, especially when the same is a legislative



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function to be performed by the State. Hence, no ground is made out for any interference by this Court.

- 5. Consequently, both the writ petitions are hereby dismissed.
- 6. A photocopy of this order be placed on the file of another connected abovementioned case.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

AUGUST 18, 2025
ANJAL

Whether speaking/reasoned	:	Yes
Whether reportable	:	No