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

**CWP-4342-2025 (O&M)
Date of Decision: 07.07.2025**

Arfina

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking issuance of a writ in the nature of Mandamus for directing respondents No.2 and 3 to comply with order dated 10.09.2024 (Annexure P-3) passed by the learned Deputy Commissioner, Nuh.

2. Briefly, the petitioner is stated to be the acting Sarpanch of Gram Panchayat Nawabgarh, Tehsil Indri, District Nuh. It is stated that vide Haryana Government Notification dated 17.01.2017, the Gram Panchayat Indri has been bifurcated by carving out two separate Panchayats that is Gram Panchayat Indri and Gram Panchayat Nawabgarh.

2.1 It is stated that thereafter, on account of creation of two separate Gram Panchayats, the Deputy Commissioner, Nuh passed an order dated 10.09.2024 (Annexure P-3) as regards division of movable and immovable



property between Gram Panchayat Indri and the newly formed Gram Panchayat Nawabgarh, the relevant extract of which reads as under:

“Therefore, in view of the provisions specified in sub-section 3A of section 7 of Haryana Panchayati Raj Act 1994 and rule 31A of Haryana Panchayati Raj Rules 1995 by the Block Development and Panchayat Officer, Indri, I, Dharendra Khadgata, IAS, Deputy Commissioner, Nuh, divide the movable and immovable property in the ratio of 70:30 as per the recommendation of BDPO Indri in Gram Panchayat Indri and newly formed Gram Panchayat Nawabgarh and issue orders to the Block Development and Panchayat Officer, Indri to ensure division of the Mazraua land adjoining both the Sabha areas and the said amount in the mentioned ratio at their level.”

3. Learned counsel for the petitioner submits that while carrying out the division of the property in the ratio of 70:30, the land was earmarked for allocation to Gram Panchayat Nawabgarh, however, the Sarpanch had raised the following objection:

“But Sarpanch of Gram Panchayat Nawabgarh has objection over the possession as there is no road available to given new land Mustil No.203, 204, 206, 207, 190, 173, 175, 172 to Gram Panchayat Nawabgarh and Mustil No.90 is approximately 8 km away from Gram Panchayat. Land given in possession is not useful for any work for Panchayat.”

4. It is further submitted that thereafter the petitioner has submitted a detailed representation to the Deputy Commissioner, Nuh (Annexure P-6), however, till date neither the same has been considered nor any final decision has been taken thereon.

5. Notice of motion.

6. Ms. Upasana Dhawan, AAG, Haryana, who is present in the Court accepts notice on behalf of the respondent/State. She on instructions of Mr. Gyanender Singh, Gram Sachiv, Block Indri, District Nuh, submits



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that the Deputy Commissioner, Nuh shall take a decision on the representation (Annexure P-6), submitted by the petitioner, within a period of six weeks from today, after affording due opportunity of hearing to all the concerned parties.

7. Keeping in view the aforesaid stand taken by learned State counsel, the present petition stands disposed of accordingly.

8. All pending application(s), if any, shall also stand closed.

07.07.2025

Himani

(HARSH BUNGER)
JUDGE

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|------------------------------|---|--------|
| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |