



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

104

CWP-6308-2020

Date of Decision: 11.08.2025

Gram Panchayat, Village Neelpur, and another

....Petitioners

Versus

The State of Punjab and others

....Respondents

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

Present: Mr. R.S.Khosla, Senior Advocate with
Mr. Yogender Verma, Advocate
for the petitioners.

Mr. T.P.S.Chawla, Sr. Deputy Advocate General, Punjab.

Mr. J.S.Toor, Advocate and
Mr. Adhiraj Toor, Advocate
for respondent No.4.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the notifications dated 25.11.2016 (Annexure P-5) and 02.08.2019 (Annexure P-6) by which, the boundaries of the Municipal Council, Rajpura have been increased and the area of Gram Panchayat of Village Neelpur has been included within the Municipal Limits of the Municipal Council, Rajpura.

2. Learned Senior Counsel for the petitioners argues that before deciding as to whether, an area of village can be included in the Municipal



Limits so as to be treated as urban area, the process of inviting objections and considering those objections in a transparent manner is to be undertaken. Further, the parameters which need to be satisfied as per Section 4 of the Punjab Municipal Council Act, 1911, (hereinafter for short to be referred as 'the 1911 Act'), as well as the provisions of Article 243Q of the Constitution of India are also to be fulfilled, which process has not been undertaken in the present case before issuing the notification dated 02.08.2019 (Annexure P-6) hence, the impugned notifications may kindly be set aside.

3. Learned counsel appearing on behalf of the State argues that the increase in the area of a Municipal Council is a legislative function and, no adjudication can be done with regard to the said purpose keeping in view of the principle of law as settled by Coordinate Bench of this Court in CWP No.5424-2010 decided on 09.09.2010 titled ***Gram Panchayat Bhadson vs. State of Punjab***, which judgment has already been upheld by the Division Bench of this Court in LPA No.1369 of 2010 vide order dated 28.10.2010.

4. Learned counsel appearing on behalf of respondent No.4- Municipal Council, Rajpura submits that the assertion of the petitioners that the limit of the Municipal Council, Rajpura has been extended without giving any opportunity to the concerned including the petitioner-Gram Panchayat, is incorrect as a notification dated 25.11.2016 (Annexure P-5) was issued inviting objections, which notification has also been impugned in the present petition.

5. Learned counsel for respondent No.4 further submits that the notification was issued on 25.11.2016 (Annexure P-5) inviting objections and thereafter, the said notification was also published in the newspaper on



09.12.2016 in 'The Tribune' as well as in a vernacular newspaper 'Ajit' but, no objection was received qua the proposed notification/resolution dated 30.05.2016, which led to finalization of the said proposal vide notification dated 02.08.2019 (Annexure P-6), which is perfectly valid and legal.

6. Learned counsel for respondent No.4-Municipal Council further submits that once petitioner-Gram Panchayat never raised objections, the filing of the present writ petition against the notification dated 02.08.2019 (Annexure P-6), is liable to be rejected.

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

8. It may be noticed that keeping in view the provisions of the 1911 Act, certain parameters are required to be fulfilled when a rural area is to be brought within the jurisdiction of an urban area. Procedure has also been prescribed to be followed for bringing the rural area within the jurisdiction of urban area. In the present case, the notification dated 25.11.2016 (Annexure P-5) was issued inviting objections to the resolution dated 30.05.2016 qua inclusion of petitioner-Gram Panchayat within the limits of Municipal Council, Rajpura. The said notification was published in the newspaper for wide circulation but, it is a conceded fact that no one raised objections against the said proposal. That being so, the resolution dated 30.05.2016 was finalized after a period of three years vide notification dated 02.08.2019 (Annexure P-6) hence, the same needs no interference.

9. Further, Learned Senior Counsel for the petitioners had argued that the right of filing the objections had already been taken away keeping in view the language of the notification dated 25.11.2016 (Annexure P-5)



wherein, the respondents has already decided to bring the rural area into an urban area and the action of inviting objection was only post decisional, which is not at all effective and further, the publication of the notification dated 25.11.2016 in newspaper will not suffice so as to bring the proposed notifications to the knowledge of the residents of the petitioner-Gram Panchayat.

10. It may be noticed that once in the notification dated 25.11.2016 (Annexure P-5), the objections were sought, the language of the notification will not be material rather, the intention will be seen. Once, the intention of notification clarified that the objections are being sought, the petitioners should have raised the objections in case, they were opposed to the resolution. The notification dated 25.11.2016 (Annexure P-5) being published in the newspaper is to be treated giving wide circulation to the said proposal. Merely that the petitioners did not read the newspaper or missed the same, will not render that the process adopted was unfair before publication of the final notification dated 02.08.2019 (Annexure P-6).

11. Further, the notification dated 25.11.2016 (Annexure P-5) inviting objections was issued in the year 2016 whereas, the final notification increasing the area of Municipal Council, Rajpura, came to be issued in the year 2019. It cannot be said that any area which is being included in the Municipal Limits was not known to the Gram Panchayat for a period of three years.

12. Further, as per the judgment in ***Gram Panchayat Bhadson (supra)***, inclusion of a rural area into an urban area is a legislative function and the Court cannot interfere in the same. The learned Senior Counsel has



CWP-6308-2020

-: 5 :-

not been able to rebut the said proposition of law, which was also qua upgradation of the Gram Panchayat, Bhadson to Nagar Panchyat, Bhadson and the same provisions of 1911 Act, were taken into consideration while rejecting the challenge to the similar notification on the ground that the same is a legislative function.

13. Keeping in view the totality of the circumstances coupled with the fact that the area of Gram Panchayat Village Neelpur, is within the Municipal Limits Rajpura for the last more than six years and elections have already been held by treating the same to be an urban area, no ground is made out for interference by this Court.

14. The present writ petition is dismissed.

15. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

August 11, 2025
Varinder

Whether speaking/reasoned : Yes

Whether reportable : No