

160 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7326-2026 (O/M)
Date of decision : 11.03.2026

Aman and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Rohan Moudgil, Advocate for
Mr. Sandeep Sharma, Advocate
for the petitioners.

Mr. Pankaj Mulwani, Senior DAG Haryana.

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HARSH BUNGER, J. (ORAL)

1. Prayer in this civil writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of mandamus for directing respondents to constitute a separate Gram Panchayat/Gram Sabha of village Harewa by carving it out from the existing Gram Panchayat Jaidhar, District Yamuna Nagar.

2. Learned counsel for petitioners has reiterated the averments made in the writ petition.

3. Heard.

4. Here, it would be apposite to refer to Sections 7 and 8 of Haryana Panchayati Raj Act, 1994 (in short '1994 Act'), which deal with declaration of gram sabha area and establishment of gram panchayat, respectively, which read as under :-

“7. Demarcation of Sabha area. - (1) *The Government may, by notification, declare any village or a part of a village or group of contiguous villages with a population of not less than five hundred to constitute one or more Sabha areas:*

Provided that Government may in exceptional cases, by reasons to be recorded in writing, relax the limit of population of 500:

Provided further that neither the whole or any part of a -

(a) municipality constituted under the Haryana Municipal Act, 1973;

(b) cantonment;

shall be included in a sabha area unless the majority of voters in any municipality desire the establishment of a Gram Panchayat in which case the assets and liabilities, if any, of the municipality shall vest in the Gram Panchayat and the municipality shall cease to exist.

(2) The population shall be ascertained on basis of last preceding decennial census of which the relevant figures have been published.

(3) Government may, by notification, include any area in or exclude any area from the sabha area.

(4) If the whole of the sabha area is included in a municipality or a cantonment, the Gram Panchayat shall cease to exist and the assets and liabilities of it shall vest in the municipality or cantonment, as the case may be.

(5) If the whole of the sabha area is included in the Faridabad Complex under the Faridabad Complex (Regulation and Development) Act, 1971, the Gram Panchayat shall cease to exist and its assets and liabilities shall vest in the Faridabad Complex.”

8. *Establishment and constitution of Gram Panchayat.-*

(1) The Government may, by notification, establish a Gram Panchayat by name in every sabha area.

(2) Every Gram Panchayat shall consist of -

(a) Sarpanch who shall be elected by the Gram Sabha from amongst its voters, by secret ballot;

(b) six to twenty Panches from wards in a Panchayat area in the manner prescribed;

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(3) All the above seats referred to in clause (b) of sub-section (2) shall be filled in by persons chosen by direct election from the wards in the Panchayat area and for this purpose each Panchayat area shall be divided into wards in such manner that the ratio between the population of each ward and the number of the seats of Panches allotted to it shall, so far as possible, be the same throughout the Panchayat area.”

4.1 A perusal of above extracted provisions would show that the creation of a new gram sabha area under Section 7 of 1994 Act is within the exclusive jurisdiction/domain of the Government.

4.2 Hon'ble Division Bench of Himachal Pradesh High Court in CWP-4118-2020, titled as ***“Bihari Lal Versus State of H.P. and ors.”***, (decided on 16.12.2020) has held that the creation/bifurcation of gram panchayat is essentially a policy matter, which is exclusively within the discretion and jurisdiction of the State. It has been further held that the declaration of gram sabha area is required to be done at the instance of the Government.

5. In my considered view, no mandamus can be issued to the State/Government for constituting a separate gram sabha area. In this regard, reference can be made to a judgment rendered by Hon'ble

Supreme Court in ***“State of U.P. Versus Pradhan Sangh Kshettra Samiti”***, 1995 Supp (2) SCC 305 wherein, while dealing with a case involving establishment of common Gram Sabha; Hon'ble the Supreme Court held that the Court cannot substitute the concept of village and 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 should be done. So long as the panchayat areas and the constituencies are delimited in conformity with the constitutional provisions or without committing a breach thereof, the courts are not supposed to interfere with the same.

6. Keeping in view the above discussion, the instant civil writ petition fails and same is accordingly, dismissed.

7. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

11.03.2026

sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No