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2026:PHHC:077369-DB

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

CWP-15406-2026

Date of decision : 18.05.2026

Subhanta

...Petitioner

Vs.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. P.R.Yadav, Advocate
for the petitioner.

Ms. Anu Pal, Addl. A.G. Haryana.

HARSIMRAN SINGH SETHI, J.(Oral)

1. In the present petition, the challenge which has been led is to Section 7 of the Haryana Municipal Act, 1973 (for short, 1973 Act) as amended from time to time.

2. Learned counsel for the petitioner submits that Section 7 of 1973 Act deals with the exclusion of a local area from the local limits of a municipality, hence, the said section is *ultra vires* especially when, the municipality has already been constituted and is in continuance. The further prayer of the petitioner is that as the petitioner has already been elected as a Municipal Councilor from Ward No.13, which mainly includes village Shahpur Awal (Mandi) i.e. the area which now stands excluded from the municipal limits of the Municipal Council, Narnaul and the funds which have already been allocated to Municipal Council Narnaul for the whole tenure, i.e., for the

year 2022-2027 be also allowed to be spent on the said excluded area for the development works, already underway in said area.

3. We have heard the learned counsel for the petitioner and have gone through the record with his able assistance.

4. It may be noticed that inclusion and exclusion of an area from municipal limits of a municipality is a legislative function which is to be performed by the State and the Courts have no jurisdiction to adjudicate upon the same.

5. In the present case, a particular area was included in the local limits of Municipal Council, Narnaul, though later on the said area was excluded from local limits of the Municipal Council, Narnaul vide notification dated 08.10.2025, the notification dated 08.10.2025 is not under challenge. Once, the action of the State in excluding such area from the local limits of Municipal Council, Narnaul, is not under challenge, the question which arises for consideration is whether, the challenge put up against the jurisdiction, so as to exclude an area from local limits of a municipality as envisaged under Section 6 of the Haryana Municipal Act, 1973 can be entertained.

6. The law is such that a challenge to a provision can only be raised in case, the same is contrary to the public purpose/policy of law or the same is beyond the jurisdiction of the authority enacting such law/amending such law. Learned counsel for the petitioner has not been able to make way for the argument that there was no jurisdiction with the legislature to enact Section 7 of 1973 Act. The question which now remains for our consideration is whether Section 7 of 1973 Act is against the public policy of law or not. Section 7 of 1973 Act, to which challenge is being made in the present petition is

reproduced below:-

“7. Effect of exclusion of local area from municipality. - When a local area is excluded from a municipality under section 6 -

(a) this Act, and all notifications, rules, bye-laws, orders, directions and

powers issued, made or conferred under this Act, shall cease to apply thereto; and

(b) the State Government shall after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vesting in the municipal committee shall vest in the State Government and in what manner the liabilities of the committee shall be apportioned between the committee and the State Government, and, on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.”

7. Before proceeding further, Sections 4, 5 and 6 of 1973 Act which are equally relevant for the purpose of the present petition are reproduced below:-

“4. Notification of intention to alter limits of municipality.

(1) The State Government may, by notification, and in such other manner as it may determine, declare its intention to include within a municipality and local area in the vicinity of the same and defined in the notification.

(2) Any inhabitant of a municipality or local area in respect of which a notification has been published under sub-section (1), may, should he object to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the State Government within six weeks from the publication of the notification; and the State Government shall take such objection into consideration.

(3) When six weeks from the publication of the notification have expired, and the State Government has considered the objections, if any, which have been submitted under sub-section (2), the State Government may, by notification, include the local area in the municipality.

(4) When any local area has been included in a municipality under sub-section (3), this Act, and, except as the State Government may by notification, direct otherwise, all notifications, rules, bye-laws, orders, directions and powers issued, made, or conferred under

this Act and in force throughout whole of the municipality at the time, shall apply to such area.

5. Notification of intention to exclude local area from municipality. -The State Government may, by notification, and in such other manner as it may deem fit, declare its intention to exclude from a municipality any local area compared therein and defined in the notification.

6. Exclusion of local area from municipality.

(1) Any inhabitant of a municipality or local area in respect of which a notification has been published under Section 5 may, if he objects to the exclusion proposed, submit his objection in writing through the Deputy Commissioner to the State Government within six weeks from the publication of the notification and the State Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification have expired and the State Government has considered the objections, if any, which have been submitted under sub-section (1), the State Government may, by notification, exclude the local area from the municipality.”

8. A bare perusal of the above provisions would show that the Government can alter the local limits of the municipal council by including as well as by excluding an area. The same is to be done keeping in view the stipulations of the provisions of 1973 Act. Section 7 of 1973 Act underlines as to what are the effects in case an area is excluded from the local limits of a municipality and such exclusion of an area takes place under Section 6 of 1973 Act. Once the primary rule which provides for the jurisdiction to exclude an area from local limits of a municipality is not under challenge, can a section dealing with the consequence of such execution be challenged. The answer remains in negative.

9. Once an area has been lawfully excluded keeping in view the provisions of the 1973 Act, any notification, direction bye-laws/rules, which were being made applicable to such excluded area prior to the exclusion of the same from the municipality, cannot be made applicable as same will cause

prejudice to such area. In case such excluded area thereafter falls in a Gram Panchayat, which has its own management and fund sources, can Municipal Council Funds be used for such excluded area. Answer is No. Excluded area is to be governed by an authority to which it is allocated after being excluded from a urban local body.

10. Learned counsel for the petitioner submits that the municipal funds allocated for the purpose of carving out development work should be spent on the said municipal area which has been excluded so as to treat Section 7 as *ultra vires*. The argument infact means that a municipal fund which is allocated to be used for development of a municipal area, which area falls within the jurisdiction of a particular municipality, same should also be spent on such area which is no longer a part of the municipality. The same cannot be done. After an area has been excluded from the local limits of a particular municipal council, the said area is to be treated in a manner in which it was being treated prior to the inclusion, in case it was part of a Gram Panchayat, similar Gram Panchayat will administer the area concerned in all respect after being excluded from urban local bodies. In case, the same was a gram panchayat, the gram panchayat will regain its jurisdiction to manage the area.

11. The question further is whether, any area which was part of a municipality during the time elections for appointment of Municipal Councilors were held particular election, can such area be excluded from local limits of municipality during the tenure of the said municipality. Keeping in view the joint reading of Sections 4 to 7 of 1973 Act, which had been reproduced hereinabove, the area can be excluded even during the tenure for which the municipality has been constituted. There is no such embargo

stipulated under the law governing rule and no such embargo has been brought to the notice of this Court. The argument raised by the learned counsel is that the term of municipality as provided under Article 243-U is for a period of five years. It may be noticed that the interpretation which is being sought to be given to Article 243-U is incorrect as, even after the exclusion of a particular area from local limits of a municipality, such municipality continues to be in operation till its tenure for a period of five years is exhausted. The inclusion and exclusion of an area is not co-related with the duration of the municipality.

12. Keeping in view the totality of the circumstances, as no valid justification/argument has been brought to the notice of this Court for quashing Section 7 of 1973 Act, which section is corollary to Section 6 as same only stipulates about the effects of exclusion of an area from local limits of municipality, which section is not under challenge, hence, no ground is made out for any interference by this Court.

13. It may further be mentioned at the cost of repetition, the petitioner has stated before this Court that there is no challenge to the notification dated 08.10.2025 by which the area in present case has already been excluded from the local limits of municipality, and only prayer is to provide for the fund which have already been allocated to be spent on development of Narnaul Municipality, such excluded area.

14. At this stage, learned State counsel submits that such excluded area on which the petitioner wants to spend the municipal funds, has been excluded from the municipal council on the request of the petitioner herself.

15. Learned counsel for the respondent submits that once the said area has been excluded from the municipal limit of Narnaul Municipality on the

request of the petitioner, how can even the petitioner pray that such municipal funds be used on such area which has been excluded from the municipal limit.

16. Learned counsel for the petitioner has not been able to dispute the said fact that the area in question has been excluded on the asking of the petitioner.

17. It is very surprising that on one account, the petitioner is claiming that the petitioner should be allowed to spend the municipal fund as allocated on a particular area on the ground that she was elected as a municipal councilor from the said area but, as a matter of fact it was on her asking that said area got excluded from the local limits of municipal council Narnaul. In case, the petitioner wanted to use the funds on that area, why she got the said area excluded from the municipality. No valid reason has come on record. Hence, even otherwise, then, there is no reason to accept the prayer of the petitioner to spend the municipal funds on the area which has been excluded from the jurisdiction of the municipality and that too at the asking of the petitioner.

18. In view of the above, no ground is made out for interference.

19. The petition stands dismissed.

20. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

18.05.2026

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
No