

CWP-3129-2026 (O&M)
& connected cases

-2-

State of Punjab and others

...Respondents

CWP-3421-2026

Rajpreet Singh Khamb and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CWP-3471-2026

Yatin Verma

...Petitioner

Versus

State of Punjab and others

...Respondents

CWP-3479-2026

Kuldeep Singh Dhillon

...Petitioner

Versus

State of Punjab and others

...Respondents

CWP-3612-2026

Pardeep Soni and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CWP-3850-2026

Arvind Singla and other

...Petitioners

Versus

State of Punjab and others

...Respondents

CWP-3129-2026 (O&M)
& connected cases

-9-

Gulshan Rai & another

...Petitioners

Versus

State of Punjab and others

...Respondents

CWP-946-2026

Kapoor Chand & others

...Petitioners

Versus

State of Punjab and others

...Respondents

CWP-986-2026

Jagjit Singh & others

...Petitioners

Versus

State of Punjab and others

...Respondents

CWP-908-2026

Harsimran Singh Wararh

...Petitioner

Versus

State of Punjab and others

...Respondents

CWP-967-2026

Ashu Banger @ Amardeep & others

...Petitioners

Versus

State of Punjab and others

...Respondents

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



**CWP-3129-2026 (O&M)
& connected cases**

-10-

Present:- Mr. S.S. Behl, Sr. Advocate with
Mr. Gaurav Vir Singh Behl, Advocate for the petitioners
in CWPs-761,3129,3134 & 3140 of 2026.

Mr. Vikas Chatrath, Sr. Advocate with
Mr. Abhishek Sharma, Ms. Preet Arora &
Ms. Navdita Rathore, Advocates for petitioners
in CWP-40-2026.

Mr. J.S. Mehndiratta, Sr. Advocate with
Mr. Ankush Tahkral, Advocate for the petitioners
in CWP-3139-2026.

Mr. Pawan Kumar, Sr. Advocate with
Ms. Vidushi, Advocate for petitioner in CWP-613-2026.

N.K. Verma Advocate with Mr. G.K. Jangra. Advocate
for the petitioner in CWPs-07, 2687, 2792, 2953
& 2795-2026 & CWPs-519, 466, 568, 1337, 1996 & 2281,
2306, 2341 of 2026.

Mr. Jagmohan Ghumma, Advocate with
Ms. Apoorva Arya & Mr. Naveen Singh, Advocate
for the petitioner in CWP-3107 & 4858-2026.

Mr. Pardeep K. Bajaj, Advocate with
Mr. Kuljit Singh, Advocate for petitioners
in CWPs-39751 & 39752-2025, CWP-967-2026
& CWP-1522-2026.

Mr. Rajat Dogra, Advocate with Mr. Deepak Arya, Advocate
for the petitioners in CWP-39354-2025

Mr. Bhupinder Ghai, Advocate for petitioner
in CWP-2994-2026.

Mr. Sandeep Sharma, Advocate for the petitioner
in CWP-39760-2025.

Mr. Arshdeep Singh Sivia, Advocate
for petitioner in CWP-04-2026.

Mr. Jatinder Pal Singh, Advocate for petitioner
in CWP-41-2026.

Mr. Shiv Kumar Sharma, Advocate
for petitioners in CWP-911-2026.

Mr. Ankush Thakral, Advocate for petitioners
in CWP-3139-2026.



**CWP-3129-2026 (O&M)
& connected cases**

-11-

Mr. Nitin Jain, Advocate for petitioners
in CWP-1523 & 1524 of 2026.

Mr. Saurav Bhatia, Advocate with
Mr. Navdeep S. Khokhar, Advocate for petitioners
in CWP-1695,529,908,3261 & 1228 of 2026 & 8908-2026.

Mr. Amitabh Tewari, Advocate for the petitioners
in CWP-2066-2026.

Mr. ADS Jattana, Advocate with
Mr. Daljit Singh Gilzian, Advocate
for the petitioner(s) in CWPs-3612 & 4188-2026.

Mr. Vedant Setia, Advocate for the petitioner
in CWP-3064-2026 & CWP-4360-2026.

Mr. Bhisham Kinger, Advocate (through V.C.)
for the petitioner in CWP-921 & 986 of 2026.

Mr. Parvinder Singh, & Mr. Ibadat S. Randhawa, Advocates
for the petitioners in CWP-946-2026.

Mr. S.S. Tinna, Advocate with Ms. Geeta Dahiya, Advocate
for the petitioner in CWP-09 of 2026

Mr. Gurnoor Singh, Advocate for petitioner
in CWP-6330-2026

Mr. Jastej Singh Addl. A.G. Punjab.

Ms. Anu Chatrath, Senior Advocate with
Mr. Ratik Chatrath Kapur, Advocate
for respondent-M.C. in CWPs-937,3234,3413,3612,6330,
07, 613, 1523, 2953, 3134 & 1285 of 2026 &
CWPs-34469 & 34470 of 2025

Mr. D.V. Sharma, Senior Advocate with
Ms. Shivani Sharma & Arshdeep Advocates
for respondent No.5 in CWP-39740-2025
for respondent No.4 in CWP-01-2026
for respondent No.3 in CWP-39752-2025
for respondent No.3 in CWP-3140-2026 & 3850-2026
for respondent No.4 in CWP-4858-2026.
for respondent No.6 in CWP-3261-2026
for respondent-MC in CWP-529-2026
CWP-2066-2026, CWP-911-2026, CWP-1524-2026.

Mr. Maninder Singh Garcha, Sr. Advocate with



**CWP-3129-2026 (O&M)
& connected cases**

-12-

Ms. Priyanka Malik, Advocate
for respondent No.3-M.C. Ferozepur.

Mr. Parminder Singh, Advocate for respondent No.5
in CWP-4360-2026.

Mr. Praagbir Singh Dhindsa Advocate with
Mr. Jaspreet Singh, Advocate
for respondent No.4 & 5 in CWP-03-2026.

Mr. Sanjeev Soni, Advocate with
Mr. Sarthak Soni, Advocate for the respondent-MC
in CWPs-921, 946, 2687, 2795, 1522 & 2397 of 2026

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present bunch of writ petitions, the challenge is to the order/notification passed by the Government of Punjab whereby, of delimitation of wards of various Municipal Councils as well as Municipal Corporations has been done.

2. The challenge to said orders/notifications has been raised primarily on account of violation of principle of natural justice, as the objections so filed by the petitioners before issuance of final notifications/orders, have not been dealt with as a speaking order has not been passed giving reasons therein for not accepting such suggestions/objections raised by the concerned affected party, which act on the part of the respondents is contrary to the settled principle of law and, therefore, the delimitation of wards of the concerned Municipal Council/Municipal Corporations which has been ordered to be done the State is by passing a totally cryptic and non-speaking order, is liable to be set aside.

3. Another ground which has been raised by the petitioner(s)



before this Court is that while issuing draft notification whereby wards of the Municipal Council/Municipal Corporations were proposed to be delimited, certain boundaries of the wards which were proposed to be delimited, were not described due to which, effective objections against said draft notification could not be raised and, therefore, the non-grant of effective opportunity to the parties affected to raise objections before finalising the delimitation of wards of the various Municipal Councils/Municipal Corporations shall vitiate the whole process of delimitation and, therefore, the delimitation of various wards of Municipal Councils/Municipal Corporation as ordered by the Government of Punjab challenged in the present bunch of petitions, may kindly be set aside.

4. Learned counsel for the petitioner(s) submits that the non-publication of said draft notification in the news paper has caused immense prejudice to the petitioner(s) as effective objections against the same could not be raised as they had no knowledge regarding the same, due to which, final notification of delimitation of wards be treated as bad so as to set aside the same as the process envisaged under the rules governing the delimitation of wards has not been followed.

5. Learned counsel for the petitioner(s) further submits that wherever the draft notification was published, enough time should have been given to the public at large to file objections against the same i.e seven days time, which time period for filing objection is to be counted from the date publication of said draft notification in the news paper which has not been adhered by the respondents in all the cases and, therefore, as the rules of natural justice stood violated before finalising of the draft notification qua



**CWP-3129-2026 (O&M)
& connected cases**

-14-

the delimitation of wards of the various Municipal Councils/Municipal Corporations, final notification so issued, needs to be set aside.

6. Upon notice of motion, the respondents have appeared and defended their action of delimitation of wards of various Municipal Councils/Municipal Corporations. Learned counsel for the respondent-State submits that though, a single reply has been filed to all the writ petition but the same is to be treated as reply to all the objections/suggestions raised in other writ petitions as well keeping in view the fact that the objections so raised in other writ petitions were identical.

7. Learned State counsel further submits that the delimitation of wards has been done keeping in view the Delimitation of Wards of Municipalities Rules, 1972 (hereinafter referred to as '1972 Rules') as well as the Delimitation of Wards of the Municipal Corporations Order, 1995 (hereinafter referred to as '1995 Order') as the case may be, which have been followed. Learned counsel for the respondents further submits that the proposed draft notification qua delimitation of wards was published in the official gazette and physical copy of the same was kept in the office of the Municipal Councils/Municipal Corporations for the perusal of any interested person who wanted to suggest any modification in the same and even the map depicting the boundaries which were to be changed as per the draft notifications was also a part of the said record hence, merely that in some of the draft notification published, some blank portion qua the boundaries of certain wards existed, which could be co-related/checked with the map actually on record with the such draft notification. Learned counsel for the respondents further submits that the final notification qua delimitation is



**CWP-3129-2026 (O&M)
& connected cases**

-15-

very clear so as to show where the boundaries of each ward have been closed .

8. Learned counsel for the respondents further submits that in the writ petition(s), the petitioner(s) have raised the ground thereby they are seeking 30 days of time to file objections/suggestions by relying upon the Punjab Municipal General Rules, 1979 (hereinafter referred to as '1979 Rules') whereas, such argument has already been taken into consideration by the Division Bench of this Court on an earlier occasion and after consideration rejected the said argument to mean that seven of days time which has been given from issuance of draft notification in official gazette is good enough for filing the suggestion/objections to the draft notification qua delimitation of wards, the observation of which judgment has been followed by State while undertaking the process of issuing of notification for finalizing the wards so as to delimit the same within the boundaries of the respective Municipal Councils/Municipal Corporations. Learned counsel for the respondents further submits that the law on the said issue is clear, that the process of 'delimitation' is a legislative function and while performing legislative functions, the requirement to follow the rules of natural justice which are to be followed otherwise are not to be followed while performing legislative function especially when, the same does not affect a particular person rather the same concerned public at large and the wards are only being delimited for the purpose of ensuring the smooth elections and once everyone has been given due opportunity to raise objection and individual only have a right to cast the vote and contest in the election which remains intact merely that some of the wards which have undergone the process of



**CWP-3129-2026 (O&M)
& connected cases**

-16-

delimitation and boundaries of which have been changed and are not to the liking of a particular person/political party, will not give them a right to challenge the same hence, the delimitation of wards of the Municipal Councils/Municipal Corporations which is being challenged in the present bunch of petitions has been done as per the settled principle of law and the argument raised that the same should be set aside on the ground of violation of rules of natural justice may kindly be rejected.

9. Learned counsel for the petitioner(s) submits that delimitation of wards can only be done as per the 1972 Rules or 1995 Order, according to which when there is an increase in the population of certain area or there is an increase in the area of a Municipal Council or the Municipal Corporation as the case may be but in the present case, no such occasion arose and no valid exercise was undertaken by the State before ordering the delimitation of wards, which has caused prejudice to the petitioner(s) and, therefore, the delimitation of wards so ordered by the State is contrary to the rules governing the issue of delimitation, the same being devoid of following the process envisaged and therefore, the final notifications are liable to be set aside on this account.

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

11. The challenge in the present bunch of petitions is to the delimitation of wards of various Municipal Councils/Municipal Corporations done by the Government of Punjab on two grounds, firstly, that non-adherence of the 1972 Rules or 1995 Order governing the said issue which have been framed by the Government of Punjab itself that the



**CWP-3129-2026 (O&M)
& connected cases**

-17-

required data qua population/any increase in area was not there which was necessary before initiating the process of delimitation. Second argument is that due opportunity to the residents of said wards to be delimited to make objections against the said proposal has not been granted and therefore, the delimitation process so initiated and finalized is liable to be set aside on the ground of non-adherence of the rules of natural justice as adequate opportunity to file objections was not afforded, and on the ground of non-adherence of rule governing 'delimitation'.

12. In order to decide the said issue, the relevant rules Delimitation of Wards of Municipalities Rules, 1972 as well as the Delimitation of Wards of the Municipal Corporations Order, 1995 are reproduced hereunder for ready reference:-

The Delimitation of Wards of Municipalities Rules, 1972

Rule - 1. Short title and commencement.--

(1) These orders may be called the Delimitation of Wards of Municipalities Rules, 1972.

(2) They shall come into force at once.

Rule - 2. Definitions.--

In these rules, unless the context otherwise requires :-

(a) 'Act' means the Punjab Municipal Act, 1911;

(b) 'associate member' means a member associated under sub-rule (2) of Rule 3;

(c) 'Board' means a Delimitation Board constituted under rule 3;

(d) 'Director' means the Director, Local Government Department, Punjab;

(e) 'Government' means the Government of the State of Punjab is Local Government Department.

[(f) "Sub-Divisional Officer" means the Sub- Divisional Officer (Civil) of the concerned Sub-division,]

Rule - 3. Constitution of Board.--

(1) For the purposes of carrying out the provisions of these rules, the Government shall constitute a Delimitation Board for each Municipality consisting of the following members namely :-

[2] [(i) The Deputy Commissioner of the District in which the Municipal Council/Nagar Panchayat is situated or any other Officer nominated by him in this behalf;

[(i)(a) member of the Punjab Legislative Assembly representing the concerned Municipality.][3]

(ii) Sub-Divisional Officer;

(iii) The Deputy Director, Local Government of the region concerned;



(iv) *The President or Administrator of the Municipal Council or Nagar Panchayat concerned; and*

(v) *Executive Officer of the Municipal Council or Nagar Panchayat concerned.]*

[(vi) One member nominated by the Government by notification.]

[(2) The Board shall associate with itself for the purpose of assisting it in its day to day functioning not more than five members of a Municipality having due regard to the representation of various political parties and groups in the composition of the Municipality. The names of the associate members shall be sponsored to the Director by the Executive Officer of the concerned Municipality in consultation with the concerted Deputy Commissioner. This provision shall however, not apply in the case of a dissolved Municipality.][\[5\]](#)

Rule - 4. Functions of the Board.--

It shall be the duty of the Board -

[(i) to divide the Municipality into such number of wards as may be necessary having regard to the number of elected members determined by the State Government, for the[\[7\]](#) *[Municipality], and the number of seats reserved for members of the Scheduled Castes, Backward Classes and women.]*

(ii) to re-adjust the wards as and when the limits of the Municipality are altered or there is increase in population of the Municipality or there is abnormal variation in population or voting figures of some of the wards of the Municipality, which requires, such re-adjustment.

Rule - 5. Procedure and Powers of the Board.--

(1) None of the associate members shall have a right to vote or to sign any decision of the Board.

(2) The meetings of the Board shall be convened by the Director, after giving notice of at least [\[three days\]](#)[\[8\]](#) of the date, time and place of the meeting to all of its members.

(3) The quorum necessary for the transaction of business at a meeting of the Board shall be [\[four\]](#)[\[9\]](#).

(4) All questions which come before any meeting of the Board shall be decided by a majority of the votes of the members present and voting. The Chairman of the meeting, in case of an equality of votes, shall have a second or casting vote.

(5) The Board shall have power to act notwithstanding the temporary absence of a member, or an associate member, or of the existence of a vacancy in the Board, and no act or proceeding of the Board shall be invalid or called in question on the ground merely of temporary absence of a member or associate member, or of the existence of such a vacancy.

[\[10\]](#) *[(6) The Sub-Divisional Officer shall be the Chairman of the Board. In his absence, the members present shall elect One member who shall preside over the meeting of the Board as its Chairman.]*

Rule - 6. Principles for delimitation of wards of Municipality.--

The following principles shall be observed by the Board in the delimitation of wards of a Municipality, namely:-

[\[11\]](#) *[(a) All wards shall as far as practicable, be geographically compact areas, and in delimiting them due regard shall be had to physical features, existing boundaries of administrative units, if any, facilities of communication and public convenience;*

(b) Each Municipality shall be divided into wards in such



**CWP-3129-2026 (O&M)
& connected cases**

-19-

manner that the population of each ward, as far as practicable, is the same throughout the Municipality, with a variation upto ten per-cent, above or below the average population figures;

(c) Wards in which seats are reserved for the Scheduled Castes, shall be located, as far as practicable, in those areas where the proportion of their population to the total population of the Municipality is the largest and such seats shall be allocated by rotation to different wards in the Municipality.]

(d) Seats numbers reserved for women (including number of seats reserved for women, if any, belonging to Scheduled Castes) by Government, shall be kept reserved for women and such seats shall be allotted by rotation to different wards in the Municipality; and

(e) One seat reserved for Backward Classes by Government, shall be kept reserved for the Backward Classes which shall be located where their population in the Municipality is the largest and such seat shall be allotted by rotation to different wards in the Municipality.

[12] [(f) In every municipality, the Delimitation Board, while drafting the scheme for Delimitation of Wards, shall allot number to all wards having due regard to the principle of constitution.]

Explanation. - In this rule, the expression "population" means the population as ascertained locally through the staff deputed by the Director, by going from door to door in the Municipality.

Rule - 7. Scheme for delimitation of wards to be sent to State Government.--

The Board shall, as soon as may be after it has prepared the scheme for the delimitation of wards of the Municipality, send the same to the State Government for consideration.

Rule - 8. Publication of scheme for delimitation of wards.--

The State Government shall:-

(a) publish in the official gazette the scheme for the delimitation of wards received by it under rule 7 for eliciting objections or suggestions from the affected persons of the Municipality,

(b) specify a date on or after which the scheme alongwith objections and suggestions, if any, will be considered by it;

(c) consider all objections and suggestions which may have been received by it before the date so specified; and

(d) thereafter, by order determine the delimitation of wards of the Municipality.

Rule - 9. Publication of final order of State Government.--

The State Government shall cause its order made in the form of final notification under these rules to be published in the Official Gazette, and upon such publication every such order shall have the force of law.

Rule - 10. Correction of printing mistakes in order made by State Government.--

The State Government may, from time to time, by notification in the Official Gazette, correct any printing mistake in any of the orders made by it, or any error occurring therein due to an inadvertent slip or omission."

Delimitation of Wards of the Municipal Corporations Order, 1995

The 3rd August, 1995

No. GSR45/PA 42/76/S.8/95. - In supersession of Government of Punjab Department of Local Government Notification No. GSR



**CWP-3129-2026 (O&M)
& connected cases**

-20-

28/PA42/76/S.34/95, dated the 5th June, 1995, and in exercise of the powers conferred by section 8 of the Punjab Municipal Corporation Act, 1976 (Punjab Act No. 42 of 1976), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following order, to determine the delimitation of wards in Municipal Corporations, namely :-

1. Short title and commencement. - (i) This order may be called the Delimitation of Wards of Municipal Corporation Order, 1995.

(ii) It shall come into force at once.

2. Definitions. - In this order unless the context otherwise requires,

- (a) "Act" means the Punjab Municipal Corporation Act, 1976;
- (b) "Associate member" means a person associated under sub-clause (2) of clause 3;
- (c) "Board" means the Delimitation Board constituted under rule 3;
- (d) "Constituency" means a ward, for the representation of which a councillor to be or has been elected;
- (e) "Member" means a member of the Board;
- (f) "Population" mean the population as ascertained locally through the staff deputed by the Director by going from door to door in the city; and
- (g) "Section" means a section of the Act.

3. Constitution of Board. [Section 8] - (1) For the purpose of carrying out the provisions of this order the Government shall constitute a Board for each Municipal

Corporation consisting of the following members; namely :-

(i) the [Deputy Commissioner of the District]¹ in which the Municipal Corporation is situated or any other officer nominated by him in this behalf;

(ii) the Director or any other officer nominated by him in this behalf;

(iii) the Mayor or in his absence the Senior Deputy Mayor and in the absence of both, the Deputy Mayor of the Corporation concerned, as the case may be.

(iv) the Commissioner of the Municipal Corporation concerned.

[(v) member of the Punjab Legislative Assembly representing the concerned Municipal Corporation wholly or partly;

(vi) the Deputy Director (Regional), Local Government;]¹

[(vii) the Joint Commissioner or the Assistant Commissioner of the Municipal Corporation concerned.]²

(viii) one member nominated by the Government by notification.]³

(2) The Board shall associate with itself for the purpose of assisting in the performance of its functions not more than five councillors of the Corporation having due regard to the representation of various political parties and groups in the composition of the Corporation:

Provided that nothing contained hereinbefore shall apply to a Corporation which has been dissolved.

4. Functions of the Board. [Section 8] - It shall be the duty of the Board, -

- (i) to divide the city into such number of wards as may be necessary, having regard to the number of elected councillors determined by the Government for the Corporation under sub-section (3) of section 5 of the Act and the number of seats reserved for the members of the Scheduled Castes, Backward Classes and Women under section 6 of the Act; and (ii) to readjust the wards as and when the limits of the City are altered or there is increase in the population of the City or there is abnormal variation in population or voting figures at some of the wards of the City, which require such readjustment.

5. Procedure to be followed by the Board and powers of the Board.



**CWP-3129-2026 (O&M)
& connected cases**

-21-

[Section

8] - (1) The [Director, Local Government, Punjab]4 shall be the Chairman of the Board. In his absence, such member as Chairman as the members present in the meeting of the Board, may elect from amongst themselves.

(2) The meeting of the Board shall be convened by the Director, after giving atleast ten days notice of the date, time and place of the meeting of all the members of the Board.

(3) The quorum necessary for the transaction of business at the meeting of the Board shall be four.

(4) All questions which come before any meeting of the Board shall be decided by a majority of the votes of the members present and voting. The Chairman of the meeting shall have a second or casting vote in case of an equality of votes.

(5) The Board shall have power to act notwithstanding the temporary absence of a member, or an associate member or of the existence of a vacancy in the Board, and no act or proceeding of the Board shall be invalid or called into question on the ground merely of temporary absence of a member or associate member, or the existence of such a vacancy.

(6) An associate member shall not have the right to vote or to sign any decision of the Board.

6. Principles for delimitation of wards of a City. *[Section 8] - The following principles shall be observed by the Board in the delimitation of wards of a city, namely :-*

(a) All wards shall as far as practicable, be geographically compact areas, and

in delimiting them, due regard shall be had to the physical features like facilities of communication and public convenience;

(b) Wards in which seats are reserved for the Scheduled Castes, shall be located, as far as practicable, in those areas where the proportion of their population to the total population of the City, is the largest and such seats shall be allotted by rotation to different wards in the City;

(c) Seats numbers reserved for women (including number of seats reserved for women, if any, belonging to Scheduled Castes) by the Government shall, be kept reserved for women, and such seats shall be allotted by rotation to different wards in the Corporation;

(d) Two seats reserved for Backward Classes, by the Government, shall be kept reserved for the Backward Classes, and such seats shall be allotted by rotation to different wards in the Corporation; and

(e) Each Corporation shall be divided into two wards in such manner that the population of each ward as far as practicable, is the same throughout the Corporation, with a variation upto ten per cent above or below the average population figures.

[(f) In every Municipal Corporation, the Board while drafting the Scheme for delimitation of wards, shall allot numbers to all wards having due regard to the principle of contiguity:]1

[Provided that the principle of rotation shall no be applicable where the delimitation or wards of a Municipal Corporation has been done under the provisions of sub clause (ii) of clause (4) of the order.]2

7. Scheme for delimitation of wards to be sent to Government.

[Section 8] - The Board shall, as soon as may be, after it has prepared the Scheme for the delimitation of the ward of the City, send the same to the Government for consideration.

8. Publication of scheme for delimitation of wards. *[Section 8] -*

(1) The Government shall, -



**CWP-3129-2026 (O&M)
& connected cases**

-22-

(a) publish in the official Gazette the scheme for the delimitation of the wards received by it under clause 7 for inviting objections or suggestions from the affected persons of the City;

(b) specify a date on or after which the scheme along with objections or suggestions, if any, shall be considered by it; and

(c) consider all objections and suggestions, which may have been received by it before the specified date;

(2) The Government after considering the objections and suggestions under sub-clause (1), shall make its final order and shall get the same published in the Official Gazette.

[Provided that before the start of election process, the State Government, may, for good and sufficient reasons, to be recorded in writing, review the order made in the form of final notification after inviting objections and suggestions in writing from the public through the public notices in two newspapers having circulation in the locality in respect of all or any of the Ward. After considering such objections or suggestions, the State Government may supersede the previous orders in the form of final notification directly or after obtaining the opinion of the Boards.]¹

9. Correction of printing mistakes in the order made by the Government.

[Section 8] - The Government may, from time to time, by order in the Official Gazette, correct any mistake in any of the orders made by it, or any error occurring therein due to an inadvertent slip or omission.

13. A bare perusal of the above reproductions would show that the process which has been envisaged under law governing delimitation of wards is that the Government has to firstly constitute a Delimitation Board consisting of certain members, for each Municipal Council/Municipal Corporation for assessing the delimitation and giving a proposal to the Government for acceptance. The proposal which is received by the Government from such Board so constituted is to be published in the official gazette inviting suggestions/objections from public at large and thereafter, the same is to be finalized by the Government by issuing final notification for delimiting the wards so proposed by the Board in the manner required.

14. The documents have been produced before this Court so as to show that the process envisaged under 1972 Rules or 1995 Order said process has been followed by the Government while delimiting the wards of



various Municipal Council/Municipal Corporations.

15. The arguments which have been raised by the learned counsel for the petitioner(s) is that adequate opportunity of submitting the objections/suggestion has not been given to them as well as public at large, which shows violation of rules of natural justice at the hands of State as, instead of granting time period of 30 days as prescribed in 1979 Rules, only seven days of period was given to raise such objections, which is incorrect. The allegation/argument raised is that seven days of time should have been counted from the date of publication of such notification in the news paper whereas, the said period of seven days has been counted from the date the draft notification was published in the official gazette. The argument is that even the draft notification, which was published there existed certain blanks qua boundaries of each wards which were to be delimited and which were depicted which restricted filing of effective objections to the draft notification and, therefore, on the ground of violation of principle of natural justice, the delimitation of wards in question should be set aside.

16. It may be noticed that the issue with regard to the applicability of 1979 Rules according to which 30 days of period is to be granted for raising objections, has already been dealt with by the Division Bench of this Court in ***CWP-11619-2020 titled as Kulwinder Singh vs.. Union of India, decided on 25.01.2021*** wherein, it has been held that the period of seven days from date of issuance of notification in the official gazette inviting objections/suggestions qua delimitation of wards is valid.

17. Learned counsel for the petitioner(s) have not been able to rebut the said settled principle of law settled by the Division Bench of this Court.



No material has been brought to the notice of this Court that the findings arrived at by the Division Bench have been violated by the respondents while undertaking the process of delimitation of wards in the present set of cases. That being so, the argument being raised by the learned counsel for the petitioner(s) that enough time was not given to file objections/suggestions, cannot be accepted.

18. Mr. Vikas Chatrath, learned Senior counsel for the petitioner(s) vehemently argued that no even seven days time, rather only six days time was given to file objections/suggestions which time granted is insufficient and, therefore, the said opportunity granted should be treated as bad so as to set aside the order of delimitation of wards in question.

19. On being asked whether, in said period of six days, the petitioner(s) were able to file objections or not, learned Senior counsel for the petitioner(s) concedes that the objections were filed in those six days. Once, the petitioners/interested parties were able to file such objections/suggestions, merely that the date when notification was published has also been included in counting seven days, will not be a matter of concern so as to set aside the delimitation of wards done especially when, the intention of publication of draft notification is seeking the objections/suggestion which was fulfilled, as the petitioners filed the objections before the last date as envisaged in the draft notification hence, it is the ends met, which is to be noticed in this scenario and mere technicalities are not sufficient enough to set aside the notification so issued qua delimitation of wards.

20. Qua the argument of the learned counsel for the petitioner(s)



that in such draft notification where the boundaries of wards to be delimited were depicted, there existed certain blanks and the boundaries of such wards were not clear, it may be noticed that the averments have been made by the respondent-State that along with the draft notification, a map showing the projected boundaries of the wards to be delimited was also kept in the office Municipal Council/Corporation for perusal of anyone who wanted to file objections to same. Once, the boundaries of such wards to be delimited were visible in the map which was attached with the draft notification, a mere discrepancy that in certain draft notification, boundaries of certain wards were not clear, will not vitiate the exercise so undertaken. Though, the Government is advised that henceforth it would be much better that while issuing the draft notification, the boundaries of the wards should also be depicted clearly in the draft notification so as to avoid raising of any such argument to challenge the delimitation of wards.

21. Another question which arises for consideration in the present petitions is whether process of undertaking the delimitation of certain wards, which is a legislative function can be challenged on the ground of violation of principle of natural justice or not.

22. It may be noticed that the principles of natural justice are not applicable in legislative functions which are performed by the State, for the reason that the legislative functions are discharge by State by considering public at large and such actions are not taken qua a particular person so as to cause prejudice.

23. The Hon'ble Supreme Court of India while deciding ***Civil Appeal 5826-1999 titled as State of Punjab vs. Tehal Singh, decided on***



07.01.2002 has held that where a legislative function is being performed by the State, the rules of natural justice are not required to be observed with such intensity. Relevant paragraphs 3 & 5 of the judgment are as under:-

“3. In Rameshchandra Kachardas Porwal and Ors. etc. v. State of Maharashtra and Ors. etc., [1981] 2 SCC 722, it was held that making of a declaration by notification that certain place shall be principal market yard for a market area under the relevant agricultural produce Market Act was an act legislative in character. In Union of India and Anr. v. Cynamide India Ltd. and Anr., [1987] vol. 2 SCC 720, this Court while making distinction between legislative, administrative and quasi-judicial held thus:

"A legislative act is the creation and promulgation of a general rule of conduct without reference to particular cases; an administrative act is the making and issue of a specific direction or the application of a general rule to a particular case in accordance with the requirements of policy. Legislation in the process of formulating a general rule of conduct without reference to particular cases and usually operating in future; administration is the process of performing particular acts, of issuing particular orders or of making decisions which apply general rules to particular cases'. It has also been said: "Rule making is normally directed toward the formulation or requirements having a general application to all members of a broadly identifiable class" while, "an adjudication, on the other hand, applies to specific individuals or situation". But, this is only a broad distinction, not necessarily always true. Administration and administrative adjudication may also be of general application and there may be legislation of particular application only. That is not ruled out. Again, adjudication determines past and present facts and declares rights and liabilities while legislation indicates the future cause of action. Adjudication is determinative of the past and the present while legislation is indicative of future. The object of the rule, the reach of its application. The rights and obligations arising out of it. Its intended effect on past, present and future events, its form, the manner of its promulgation are some factors which may help; in drawing the line between legislative and non-legislative acts".



The principles of law that emerge from the aforesaid decisions are-(1) where provisions of a statute provide for the legislative activity, i.e. making of a legislative instrument or promulgation of general rule of conduct or a declaration by a notification by the Government that certain place or area shall be part of a Gram Sabha and on issue of such a declaration certain other statutory provisions come into an action forthwith which provide for certain consequences; (2) where the power to be exercised by the Government under provisions of a statute does not concern with the interest of an individual and it relates to public in general or concerns with a general direction of a general character and not directed against an individual or to a particular situation and (3) lay down future course of actions, the same is generally held to be legislative in character.

“5. Once it is found that the power exercisable under [Sections 3 and 4](#) of the Act respectively is legislative in character, the question that arises is whether the State Government, while exercising that power, the rule of natural justice is required to be observed? It is almost settled law that an act legislative in character-primary or subordinate, is not subjected to rule of natural justice. In case of legislative act of legislature, no question of application of rule of natural justice arises. However, in case of subordinate legislation, the legislature may provide for observance of principle of natural justice or provide for hearing to the resident of the area before making any declaration in regard to the territorial area of a Gram Sabha and also before establishing a Gram Sabha for that area. We have come across many enactments where an opportunity of hearing has been provided for before any area is excluded from one Gram Sabha and included it in different Gram Sabhas or a local authority. However, it depends upon the legislative wisdom and the provisions of an enactment. Where the legislature has provided for giving an opportunity of hearing before excluding an area from a Gram Sabha and including it in another local authority or body, an opportunity of hearing is sine qua non and failure to give such an opportunity of hearing to the residents would render the declaration invalid. But where the legislature in its wisdom has not chosen to provide for any opportunity of hearing or observance of principle of natural justice



before issue of a declaration either under [Section 3](#) or [Section 4](#) of the Act, the residents of the area cannot insist for giving an opportunity of hearing before the area where they are residing is included in another Gram Sabha or local authority. In [Rameshchandra Kachardas Porwal and Ors. v. State of Maharashtra](#) (supra), this court held as thus:

"In one of the Bihar cases it was further submitted that when a market yard was disestablished at one place and established at another place, it was the duty of the concerned authority to invite and hear objections. Failure to do so was a violation of the yard at one place and establishing it elsewhere was, therefore, bad. It was objections before a "market area" was declared under the Act, so should objection be invited and heard before a 'market yard' was established at any particular place. The principles of natural justice demanded it. We are unable to agree. We are here not concerned with the exercise of a judicial or quasi-judicial function where the very nature of the function involves the application of the rules of natural justice, or of an administrative function affecting the rights of persons, wherefore, a duty to act fairly. We are concerned with legislative activity; we are concerned with the making of a legislative instrument, the declaration by notification of the Government that a certain place shall be a principal market yard for a market area, upon which declaration certain statutory provisions at once spring into action and certain consequences prescribed by statute follow forthwith. The making of the declaration, in the context, is certainly an act legislative in character and does not oblige the observance of the rules of natural justice.

In the present case, the provisions of the Act do not provide for any opportunity of hearing to the residents before any area falling under a particular Gram Sabha is excluded and included in another Gram Sabha. In the absence of such a provision, the residents of that area which has been excluded and included in a different Gram Sabha cannot make a complaint regarding denial of opportunity of hearing before issue of declarations under [Sections 3](#) and [4](#) of the Act respectively. However, the position would be different where a house of a particular resident



of an area is sought to be excluded from the existing Gram Sabha and included it in another Gram Sabha. There the action of the Government being directed against an individual, the Government is required to observe principles of natural justice. For the aforesaid reasons, we are of the view that no opportunity of hearing was required to be given before making declaration either under [Section 3](#) or [Section 4](#) of the Act by the Government.

24. Learned Senior counsel for the petitioner(s) submits that in the present cases, the scheme of delimitation provides filing of the objections and consideration of the same and, therefore, the same should be construed in a manner that the rules of natural justice are to be adhered too so as to pass a speaking order on such objections raised by affected persons.

25. It may be noticed that the legislative functions are not inherently subject to rules of natural justice rather same are to be performed keeping in view the liberty granted under the rules to the general public qua said aspect. The rules governing 'delimitation process' stipulate taking of objections/suggestions by affected persons. The purpose is to delimit the wards. It is to be noted that delimiting of a ward is primarily a function of the State and unless and until the process of delimitation is being undertaken in a manner which is shockingly illegal to the procedure prescribed. In the present cases, the factual averments clearly go to show that the requirement envisaged under Rule-8 of 1972 Rules and Rule 8 of 1995 Order have already been complied with so as to invite objections/suggestions and such objections/suggestion received have already been taken into consideration and common reply to the writ petitions states such process undertaken, which assertion of the respondent-State has gone un rebutted.

26. Applicability of said rule of raising objections/suggestions is



being stretch to such an extent that the suggestions/objections so raised by affected person are to be discussed and reasons are to be given for each and every such objection raised for accepting or rejecting the same cannot be accepted. The word used in rule-8 is 'consideration'. While performing legislative function, the term 'consideration' would mean that the objections so raised have to be kept in mind while deciding the issue in hand so that a fair chance is given to all the concerned. The contention by learned counsel for the petitioner(s) that a speaking order should be passed so as to deal with each objection/suggestion raised, is only required when administrative action is being performed and that too on a punitive side rather than while performing legislative function such as 'delimitation of ward' or 'extension of limit of a Municipal Council or Municipal Corporation'.

27. Further, the consideration which the Court is required to give is keeping in view the provisions of law as to how, the Government is to ensure the compliance of the rule qua delimitation. The word used qua giving an opportunity, is the grant of opportunity to file objections/suggestions for the consideration of the Government before undertaking the process of delimitation proposed by the Delimitation Board constituted, is to be finalized. The objections against 'process of delimitation' can only be raised in case there is any violation of the process envisaged under law, which is being brought to the notice of the Government while finalizing the delimitation process whereas, the suggestions are only with regard to the boundaries of the wards which are being created. In the present petitions, the so called objections which have been raised are only with regard to the boundaries which are being



changed/adjusted framed while delimiting the wards. Qua the suggestions, put forth by interested persons, the consideration upon such suggestions by the Government is not required, so as to give reasons for not accepting the same. The suggestions, though given, are only to be noticed by the Government and it is within the prerogative of the Government either to accept or reject the same and no right accrues with the person(s) giving suggestion to claim that reasons are to be given for not accepting the said suggestions. Further, with regard to the objections raised qua violation of any process envisaged for delimiting the wards which is not being adhered but the same is required to be looked into by the Government so as to ascertain the same and take further steps for same if required. In case the Government is of the view that said objections raised points to such irregularities which can nullify the process already undertaken, appropriate decision is required to be taken by the Government but otherwise, the Government has a right to issue final notification.

28. Keeping in view the above, when the so called suggestions/objections raised by the representatives of the political parties are brought into operation in the facts and circumstances of the present case, as already held, no violation of the rules so as to nullify the process of delimitation has been brought to the notice of this Court.

29. Further, even if there were suggestions qua the 'boundaries' being adjusted, which were kept open in some of the cases, the same will not nullify keeping in view the reasons which have already been given in the preceding paragraphs of this order. Hence, in the totality of the facts and circumstances of the present case, the process of delimitation undertaken,



CWP-3129-2026 (O&M)
& connected cases

-32-

cannot be set aside merely on the basis of non-acceptance of the objections/suggestions given by the petitioners qua the boundaries of the wards or any irregularity much less the suggestions brought to the notice of this Court so as to set aside the process of delimitation already undertaken by the State.

30. The said issue was considered by the Hon'ble Supreme Court of India in ***Civil Appeal No.843 of 1966 titled as Meghraj Kothari vs. Delimitation Commission and others, decided on 20.09.1966.*** The Hon'ble Supreme Court of India in paragraph-20 of the said judgment has held that the publication of a delimitation of the constituencies though, is not a part of an act of a Parliament but its effect is to the same. Relevant paragraphs 11 & 18 to 20 of the said judgment are as under:-

"11. It will be noted from the above that it was the intention of the, legislature that every order under ss. 8 and 9 after publication is to have the force of law' and not to be made the subject matter of controversy in any court. In other words, Parliament by enacting s. 10(2) wanted to make it clear that orders passed under ss. 8 and 9 were to be treated as having the binding force of law and not mere administrative directions. This is further reinforced by sub-s. of s.10 according to which the readjustment of representations of the several territorial constituencies in the House of the People and the delimitation of those constituencies provided for in any such order (i.e. under s. 8 or s. 9) was to apply in relation to every election to the House held after the publication of the order in the Gazette of India and these provisions contained in the order were to supersede all provisions relating to such representation and delimitation contained in the Representation of the People Act., 1950 and the Delimitation of Parliamentary and Assembly Constituencies Order, 1961. In effect, this means the complete effacement of all provisions of this nature which were in force before the passing of the orders under ss. 8 and 9 and only such orders were to hold the field. Therefore although the impugned notification was not a statute passed by Parliament, it was a law relating to the delimitation of constituencies or the allotment of



seats to such constituencies made under [Art. 327](#) of the Constitution.

18. An examination of [ss. 8 and 9](#) of the Act shows that the matters therein dealt with were not to be subject to the scrutiny of any court 'of law. [Section 8](#), which deals with the readjustment of the number of seats, shows that the Commission must proceed on the basis of the latest census figures and by order determine having regard to the provisions of Arts. 81, 170, 330 and 332, the number of seats in the House of the People to be allocated to each State and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes of the State. Similarly, it was the duty of the Commission under [s. 9](#) to distribute the seats in the House of the People allocated to each State and the seats assigned to the Legislative Assembly of each State to single member, territorial constituencies and delimit them on the basis of the latest census figures having regard to the provisions of the Constitution and to the factors enumerated in *cls. (a) to (d) of sub-s. (1)*. Sub-section, (2) of [s. 9](#) shows that the work done under sub-s. (1) was not to be final, but that the Commission (a) had to publish its proposals under sub-s. (1) together with the dissenting proposals, if any, of an associate member, (b) to specify a date after which the proposals could be further considered by it, (c) to consider, all objections and suggestions which may have been received before the date so specified, and for the purpose of such consideration, to hold public sittings at such place or places as it thought fit' It is only then that the Commission could by one or more order' determine the delimitation of Parliamentary constituencies as also of Assembly constituencies of each State.

19. In our view, therefore, the objection to the delimitation of constituencies could only be entertained by the Commission before the date specified. Once the orders made by the Commission under [ss. 8 and 9](#) were published in the Gazette of India and in the official gazettes of the States concerned, these matters could no longer be reargued in a court of law. There seems to be very good 'reason behind such a provision. If the orders made under [ss. 8 and 9](#) were not to be treated as final, the effect would be that any voter, if he so wished, could hold up an election indefinitely by questioning the delimitation of the constituencies from court to court., [Section 10\(2\)](#) of the Act clearly demonstrates the intention of the Legislature that the orders under [ss. 8 and 9](#) published under [s. 10 \(1\)](#) were to be treated as law which was not to be questioned in any court.

20. It is true that an order under [s.8](#) or [9](#) published under [s.10\(1\)](#) is not part of an Act of Parliament, but its effect is to be the same.



31. Once, the process of delimitation is to be undertaken and is to be construed as a legislative function interpreting the term 'consideration' in a manner so that the same equals to passing of a speaking order, dealing therein with each objection, will amount to putting restrictions upon such exclusive legislative power which exists solely with the State hence, the argument being raised by learned Senior counsel for the petitioner(s) that as final notification does not deal with each and every objection raised so as to decide the same by passing speaking order, cannot be accepted.

32. Further, in ***Civil Appeal No.5735-1985 titled as Sudarjas Kanhiya Lal Bhatija and others vs. Collector, Thane, Maharashtra***, which also deals with the applicability of rules of natural justice upon a legislative action performed, it has been held that any duty performed by the State which amounts to a legislative action, the applicability of rules of natural justice upon legislative actions performed are not to be construed in a manner so as to subject legislative actions performed with the same more that what legislature is subjected to. Relevant paragraph 23 & 26 of the said judgement are as under:-

“23.Reverting to the case, we find that the conclusion of the High Court as to the need to reconsider the proposal to form the Corporation has neither the attraction of logic nor the support of law. It must be noted that the function of the Government in establishing a Corporation under the Act is neither executive nor administrative. Counsel for the appellants was right in his submission that it is legislative process indeed. No judicial duty is laid on the Government in discharge of the statutory duties. The only question to be examined is whether the statutory provisions have been



complied with. If they are complied with,, then, the Court could say no more. In the present case the Government did publish the proposal by a draft notification and also considered the representations received. It was only thereafter, a decision was taken to exclude Ulhasnagar for the time being. That decision became final when it was notified under [Section 3\(2\)](#). The Court cannot sit in judgment over such decision. It cannot lay down norms for the exercise of that power. It cannot substitute even "its juster will for theirs."

24. Equally, the rule issued by the High Court to hear the parties is untenable. The Government in the exercise of its powers under [Section 3](#) is not subject to the rules of natural justice any more than is legislature itself. The rules of natural justice are not applicable to legislative action plenary or subordinate. The procedural requirement of hearing is not implied in the exercise of legislative powers unless hearing was expressly prescribed. The High Court, therefore, was in error in directing the Government to hear the parties who are not entitled to be heard under law.

26. There are equally clear authorities on this point from this Court. The case in [Tvlsipur Sugar Co. Ltd. v. The Notified Area Committee, Tulsipur](#), [1980] 2 SCR 1111 was indeed a hard case. But then, this Court did not make a bad law. There a notification dated August 22, 1955 was issued under [Section 3](#) of the U.P. Town Area covering the petitioner's factory. Consequently, the octroi was levied on goods brought by the factory management into the limits of Town Area Committee. The Company questioned the validity of that notification. The case pleaded was that the company had no opportunity to make representation regarding the advisability of extending the limits of the Town Area Committee. Venkataramiah, J., as the present learned Chief Justice then was, while rejecting the contention observed (111920):

"The power of the State Government to make a declaration under [Section 3](#) of the Act is legislative in character because



the applica- tion of the rest of provisions of the Act to the geographical area which is declared as a town area is dependent upon such declaration. Section 3 of the Act is in the nature of a conditional legislation. Dealing with the nature of functions of a non-judicial authori- ty, Prof. S.A. De Smith in Judicial Review of Administrative Action (third edition) observes at page 163: "However, the analytical classi- fication of a function may be a conclusive factor in excluding the operation of the audi alteram partem rule. It is generally assumed that in English law the making of a subordi- nate legislative instrument need not be pre- ceded by notice or hearing unless the parent Act so provides."

33. In the present case, the only act which was to be done was to invite the objections/suggestions from interested persons and consider the same before passing final notification, which act has been undertaken by the State before passing the final order/notification of delimitation of wards hence, interpreting the term 'consideration' in the manner that the same means passing of speaking order by answering/replying to each and every objection/suggestion invited, which higher degree of consideration is required from an administrative authority, cannot be accepted.

34. Further, it may be noticed that most of the objections which were filed qua the draft notification, were filed by the political parties through representatives and not by the individual residents of the Municipal Councils/Municipal Corporations concerned. Similar issue was raised before this Court in **CWP-10349-2008 titled as Baldev Raj vs. State of Punjab and others, decided on 11.07.2008**, which dealt with the issue of delimitation of wards as well. Relevant paragraph-37 of the said judgment is as under.

"37 Petitioners in all these petitions seem to be political workers who may be associated with one or



the other political parties. No material has been placed on record to indicate that any right of the petitioners is infringed in any manner. The only right of a citizen in the matter of election is to exercise franchise according to his/her free will and choice. This right of the petitioners remains intact irrespective of the fact whether there are lesser number of representatives or more. In some of the petitions, the grievance of the petitioners is that they are interested to contest election in a particular ward which has either been reserved or de-reserved. These are the individual rights which cannot have precedence over the larger public interest of holding elections to democratic institutions which alone can strengthen the democracy. Since we have observed that there have been aberrations in applying the constitutional provisions in the right spirit in some of the Municipalities, the reservation and allocation of reserved wards have not been properly done. We hope and believe that the State Government shall redress to such complaints and adopt all resuscitative measures at least for future elections to these democratic bodies.”

35. A bare perusal of the above would show that while deciding an issue which falls within the domain of a legislative function of a State, the larger interest of the people is to be kept in mind rather than the interest of the political parties which is being agitated through their nominees.

36. In the present case, almost all the objections raised against the process of delimitation, were raised by the interested political parties only and not by the individual residents, residing therein who are actually to be the core part of the delimitation process, this being a democratic society.

That being so, seeking the Government to pass a speaking order by



answering each and every objections and giving reasons thereby before finalizing the process of delimitation, so as to pass final notification and that too when same is a legislative function which is being performed, cannot be accepted.

37. Learned Senior counsel for the petitioner(s) submits that there was no stipulation in the draft notification that a map depicting change in the boundary walls of the wards was kept in the office of the Municipal Council for perusal of all concerned, it may be noticed that once, reply against said averment has already been put forth by the respondents in their affidavit, which has gone unrebutted by the petitioners, the said argument cannot be accepted to hold that there was no map of the proposed delimitation of wards so as to hold that no opportunity to the concerned for perusal of same was made available. The argument that the map was not present there in the office of the Municipal Council/Corporation concerned along with the draft notification, cannot be accepted as same will amount to deciding a disputed question of fact which cannot be gone into by the Writ Court.

38. Qua the argument of the learned Senior counsel for the petitioner(s) that once, the rules governing process of delimitation prescribe a particular method for inviting objections/suggestions and dealing with the same, the same has to be complied, it may be noticed that there is no quarrel with regard to said proposition of law but in the present case, the rules governing delimitation only provide for inviting suggestions/objections from interested persons for the consideration of the State but the same does not even in farfetched interpretation would mean that such objections are to be treated in a manner where each objection/suggestion is to be dealt with by



**CWP-3129-2026 (O&M)
& connected cases**

-39-

a speaking order. As per said rule, the Government is only required to pass a final order by taking into consideration the objection filed, which has been done by the State as reply to that effect considering all objections has already been filed hence, the said argument raised stands defeated.

39. Learned Senior counsel for the petitioner(s) submits that the said issue was raised before the Division Bench of this Court wherein, it has been held that the objections which have been raised, should be decided by passing a speaking order. Reliance is being placed upon the judgment in ***CWP-7548-2023 titled as Rajesh Kumar Sharma vs. State of Punjab and others, decided on 17.10.2024.***

40. It may be noticed that the said judgment came up for consideration before a Coordinate Bench of this Court in ***CWP-23649-2023 titled as Harish Rai Dhanda Vs. State of Punjab and others, decided on 13.12.2024.*** After considering the said judgment, the Division Bench distinguished the same based upon the settled principle of law that it is the requirement of the rules governing has to be seen that what procedure is envisaged therein in order to adjudge the illegality in the orders and the similar argument raised that passing of a speaking order on the delimitation of ward is required, was negatived.

41. Further, judgment being relied upon in ***Rajesh Kumar Sharma (supra)*** was challenged before the Hon'ble Supreme Court of India where the question of law settled therein was kept open and subsequently, after considering the said law, the Division Bench distinguished the same while passing order in the case of ***Harish Rai Dhanda (supra)***, which latest judgment has also been upheld by the Hon'ble Supreme Court of India.



CWP-3129-2026 (O&M)
& connected cases

-40-

Therefore the judgment being relied upon by the learned Senior counsel for the petitioner(s) in ***Rajesh Kumar Sharma (supra)*** to contend that even while undertaking the process of delimitation of ward, a speaking order is to be passed against all the objection raised, cannot be accepted in view the of facts and circumstances mentioned hereinbefore. Relevant paragraph 29 of the judgment in ***Harish Rai Dhanda (supra)*** is as under:-

“29. In the above endeavour, it is apparent on a reading of the draft rules, whereafters on consideration of the apposite objections, the impugned notification(s) became issued, that the exercise of limitation was taint free nor it breached the Rules (supra). In sequel, the undertakings of the well purpose of makings the de-limitation exercise, thus for takings into account the apposite demographic increases in the wards concerned, rather for concomitantly the reservation system becoming drawn, as has been drawn, but has also been achieved. Naturally also therebys, prima facie, there appears to be no exclusion of voters in the voters list, even after the completion of the de-limitation exercise, especially, when no tangible evidence in respect of the relevant exclusions has been put forth as such. Even if such a grievance is put forth, therebys, it was to be ventilated before and also was to be decided rather only by the Election Tribunal concerned, who on receiving such a motion, with averments therein, that on account of inapt exclusions of the eligible voters, from the voters list, thus may have proceeded to declare the election to be vitiated, the same being materially affected therebys.”

30. However, the said grievance is stated to be neither put forth before the Election Tribunal concerned, through an election petition being cast therebefore, nor has been stated to be under consideration before the State Election Tribunal. Resultantly therebys, the completed de-



limitation exercise, as done, but on the basis of a census, thus as a necessary precursor of the de-limitation of the wards taking place, but when naturally also becomes the hinge for the creation of a reservation roster for endowing the apposite representations to the category(ies), whose population size so deserves. In sequel, the de-limitation exercise, as undertaken but cannot be faulted on any score, especially, when the election programme has been announced, election programme whereof, is un-interfereable in terms of the expostulations of law made in the verdicts (supra). Importantly also, when there is no grievance that in pursuance to the de-limitation exercise, their being any evident deprivation of the rights of exercising franchise vis-a-vis any of the voters, therebys, also the de-limitation exercise cannot be faulted.”

42. Hence, though, the State is not precluded from passing a speaking order but if the requirement of the rules governing is fulfilled by the State while performing legislative function, the same cannot be upsetted only on the ground that the reasons for acceptance/non-acceptance of the objections/suggestions has not been done and same is good enough to vitiate the proceedings.

43. Learned Senior counsel appearing for the petitioner(s) argues that even if the question of law was kept open, the same can only be decided by the Hon’ble Supreme Court of India and not by the Coordinate Bench.

44. It may be notice that judgment in **Rajesh Kumar Sharma** was considered by the Division Bench of this Court in **Harish Rai Dhanda (supra)** and same was distinguished, which law has also been upheld by the Hon’ble Supreme Court of India, which means, the subsequent judgment passed by the Division Bench of this Court has also been favoured by the



Hon'ble Supreme Court of India according to which, the rules governing legislative function to be performed are to be made applicable keeping in view the jurisdiction granted therein and nothing further can be added to interpretation of such rules, so as to include the rules of natural justice in such a way so as to challenge the legislative power of State.

45. Further, it may be noticed that prior to passing judgment in ***Rajesh Kumar Sharma (supra)***, where certain directions were given by the Division Bench qua passing of a speaking order, in an earlier order passed by the Division Bench of this Court in ***CWP-20082-2020 titled as Rinka Puri and others vs. Union of India and others, Decided on 16.12.2020*** on the question of delimitation of ward and the scope of rules of natural justice enunciated therein were not considered in ***Rajesh Kumar Sharma (supra)***. In paragraph-26 of the judgment in the case of ***Rinka Puri (supra)***, the Division Bench has held that the rules of natural justice cannot be embodied in a straight jacket formula but rather the are to be seen and applied depending upon the circumstances of each case and the nature of jurisdiction being exercised. After considering all the facts, the Division Bench has held that the rule does not require that personal hearing is to be given to all while delimiting the wards. Further, the Division Bench held that the scope of judicial review in cases dealing with legislative function is very limited and is only to be used to prevent any arbitrariness, irrationality, unreasonableness, biasness or any malafides. Relevant paragraphs 25, 26 and 27 of the judgment in ***Rinka Puri (supra)*** are as under:-

“25. Keeping in view, the aforesaid ratio of law laid down by the Hon'ble Apex Court and followed by the Full Bench of this Court, we are of the considered opinion that both the writ petitions are not maintainable



in as much as election process has commenced vide Notifications dated 27.11.2020 and 1.12.2020 issued by the State Election Commission notifying the programme holding the general/bye elections of the Municipal Corporations, Municipal Councils and Nagar Panchayats. As reproduced above, the date for preparation of electoral rolls is upto 9.12.2020, draft of publication of electoral rolls is by 10.12.2020, last date for filing claims and objections and disposal of the same are 16.12.2020 and 23.12.2020 respectively. Final publication of electoral rolls is on 5.1.2021. Intervention of this Court, in exercise of writ jurisdiction under Article 226 of the Constitution at this stage, which may even remotely suggest the stalling of elections, is improper. The object and purport of introduction of Chapter IX-A in the Constitution of India by the 74th Constitutional Amendment 1992 was/is to facilitate the conduct of elections without putting any hindrance and taboo which is the fundamental requirement of democracy. Election to the local bodies is the grass root of democracy which is a process by which much decision-making authority is shifted to the lowest geographic and social levels. Any action of the Court or any individual which may, by any means, hamper or obstruct the democratic process is anti thesis to the spirit of these constitutional provisions.

26. The principles of natural justice are not embodied rules and they cannot be imprisoned within the strait-jacket of a rigid formula. The requirements of natural justice depend on the circumstances of each case, the nature of the enquiry, the rules under which the official respondents are acting, the subject matter being dealt with and so forth. In the present case, scheme and policy for delimitation of wards has been framed under the statute, right to file objections and suggestions has been given to the residents of the Municipal areas. After consideration of the objections, final notification has been made. In this view of the matter, principles of natural justice would not require personal hearing to be given especially when all relevant circumstances were taken into consideration before issuing final notification of delimitation of wards.

27. In such matters, the scope of judicial review is very limited. Judicial review of administrative action is intended to prevent arbitrariness, irrationality, unreasonableness, bias and mala fides. Its purpose is to check whether choice or decision is made "lawfully" and not to check whether choice or decision is "sound". We find no arbitrariness, irrationality, unreasonableness, bias and mala fide in the action of the



respondents. This court will not interfere with the action of the respondents and the letters/final notifications impugned in both the writ petitions.”

46. A combined reading of the above would show that the argument being raised by the counsel for the petitioners that for passing of the speaking order while deciding the issue of delimitation of wards was considered and not accepted though, the said judgment was not considered or brought to the noticed of the Division Bench passing order in ***Rajesh Kumar Sharma (supra)*** and it is under these circumstances, subsequent to the judgment in ***Rajesh Kumar Sharma (supra)***, another Division Bench in ***Harish Rai Dhanda (supra)*** has held the same that the requirement of the rules are to be complied with and the rules of natural justice cannot be extended to mean that like an administrative order, a speaking order is to be passed dealing with the objections/suggestions while interpreting the word ‘considered’ before passing the final notification regarding the delimitation.

47. One of the argument which has been raised challenging the process undertaken to delimit the wards of the Municipal Council, Bathinda is that only the readjustment of the ward concerned is to be done in case, limits of municipalities were altered or when there is an increase in population of a particular Municipal Council and the re-adjustment of ward will mean that only re-adjustment of a particular ward is to be done and not de-novo delimitation of all the wards of the Municipal Corporation.

48. It may be noticed that the word used in the Statute/rules governing is ‘readjustment of ‘wards’, same is not limited to one ward and neither does the language of the rule/Statue suggests that whenever there is alteration of limits of municipalities or there is an increase in area of a urban



**CWP-3129-2026 (O&M)
& connected cases**

-45-

local body only one ward or limited number of wards are only to be readjusted. Once, the boundary of a Municipal Council has been extended, the re-adjustment of ward which is best suited, is required to be done. In case, more than one ward is required to be delimited to adjust the incorrect area or the readjustment of all the wards is needed, the jurisdiction to do so exists with the State only. The only requirement while carrying out such process is that such jurisdiction is to be exercised honestly and in a fair play. In the present case, the boundaries of the Municipal Corporation, Bathinda were extended which necessitated readjustment of the wards and readjustment has been done by the State though while readjusting the same more than one ward has been affected. Hence, this Court finds no illegality in the process of delimitation of wards undertaken.

49. Qua the argument of the learned counsel for the petitioner(s) that the readjustment of more than one ward will be tantamount to initiating de-novo process of delimitation, it may be noticed that the rules governing do not put a bar to the State even upon initiation of de-novo process of delimitation in case, the Government is of bonafide decision that the same is required to be undertaken for effectively giving the meaning of delimitation so as to delimit the wards in a manner required as per the provisions of law of 1995 Order regarding delimitation of wards.

50. Learned counsel for the petitioner(s) further argues that qua the Municipal Corporation, Bathinda, the last date for filing of objections was 29.12.2025 and the final notification qua delimitation as issued on 31.12.2025 and, therefore, keeping in view the minimal gap given, it can be presumed that there was no consideration by the State



objections/suggestions submitted while finalizing the delimitation of wards.

51. The said argument raised is only a figment of imagination of petitioner(s). Nothing prevented the Government to give consideration to the objection raised as there enough time of 48 hours between the last date of filing of objections and the issuance of final notification. Nothing cogent has been put on record to show that due consideration was not given. Once, no such material has been brought to the notice of this Court that there was due consideration by State upon objections filed, this Court has to accept the statement of the State that the final notification was issued after due consideration of all the objections raised unless until proven otherwise. The notification clearly shows that said notification was issued after exercising power vested with the Government for delimitation under Section 8 of the 1995 Order.

52. Qua the argument raised by the learned counsel for the petitioners in CWP-7-2026, that there were four different data qua population which was presented before the Board by the State but the data was not prepared by doing door to door survey, which amounts to violation of procedure envisaged for delimitation of wards of Municipal Council, Aadampur under 1972 Rules, it may be noticed that even if, different data were given to the Delimitation Board but the Delimitation Board which is the competent authority decided to delimit the wards based upon the relevant data put before them, no illegality can be said to be existing in undertaking of such process. Unless and until, there is a malafide attached to such allegation that the same has been done with a ulterior motive, the mere fact that different population data was put before the Board before



recommending to undergo process of delimitation, cannot be vitiated as ultimately the process undertaken for delimitation is within the parameters envisaged under the 1972 Rules.

53. Further, learned counsel for the petitioner(s) submits that members which were to be inducted in Delimitation Board were appointed with the consultation of SDM whereas, the rules stipulates that the members are to be appointed with the consultation of the Deputy Commissioner.

54. It may be noticed that the members to be inducted in the Delimitation Board are to be appointed by Deputy Commissioner. Further, the fact that ultimate approval of the members to be inducted in the Board was given by the Deputy Commissioner, which satisfies the requirement of the rules. Further, the Board so constituted was not under challenge in the said writ petitions until the time the final notification was issued by the respondents hence, in case the petitioners had any grievance with regard to constitution of Board, they should have approached to challenge the same prior to the finalization of the notification rather than raising the same after the process of delimitation had already been undertaken on the basis of the recommendations of the Board which is being put in question at this stage.

55. Further, no prejudice shown to have been caused to the petitioners, has been brought to the notice of this Court. Once, the challenge raised to the process of delimitation was after the issuance of final notification coupled with the fact that no prejudice shown to have been caused to the petitioners, has been brought to the notice of this Court, this Court will not like to interfere.



**CWP-3129-2026 (O&M)
& connected cases**

-48-

56. It may be noticed that in writ petitions bearing CWP Nos.39677,39740,39751,39752,39760 & 39354 of 2025 and CWP Nos.3129,3134,3140,4242,01,03,04 & 07 of 2026, the final notification of delimitation has not been challenged. Once, the final notification has not been challenged, the same cannot be set aside even otherwise. Hence, in the absence of any challenge to the final notification delimiting the wards of the respective Municipal Councils/Municipals Corporations, no ground is made out for the grant of any relief qua the final delimitation of wards done by the State of Punjab qua those Municipal Councils/Municipals Corporations.

57. One of the argument raised by the counsel for the petitioners is that the time period of seven days which was provided to file objections/suggestions should be counted from the date of publication of the notification in the news paper and not from the date when gazetted notification was issued.

58. It may be noticed that once gazetted notification has been prescribed under the rules whereby it is to be notified to general public that objections/suggestions can be filed and the rules governing do not stipulate for publication of the same in the news paper, any extra effort made by State to inform to general public will not give a right to the petitioners to claim violation of the rules of natural justice. Once, the publication of draft notification, in the news paper is not envisaged under the rules governing the issue and it is a matter of fact that gazetted notification was already published and the objections/suggestions qua the same had already been filed by concerned except for one person concerned with delimitation process in Municipal Council, Nayagaon, the argument raised that the time



**CWP-3129-2026 (O&M)
& connected cases**

-49-

period of seven days is to be counted from the date of publication of notification in the news paper, cannot accepted so as to hold that there is a violation of rules of natural justice even qua Municipal Council, Nayagaon. Nothing has come on record to show as to why, when the other persons concerned with Municipal Council, Nayagaon have filed 11 objections based upon the gazetted notification, which objections were also identical to the objections raised in the writ petitions, it cannot be said that there is a violation of rules of natural justice as per the delimitation process qua the Municipal Council, Nayagaon.

59. No other argument has been raised.

60. The order has been dictated in the open Court in the presence of learned counsel for the respective parties.

61. Keeping in view the totality of the facts and circumstances recorded hereinabove, no ground for interference by this Court is made out qua the delimitation of the wards of various Municipal Councils/Municipal Corporations done by the Government of Punjab, which was finalized on or before 31.12.2025 and the writ petitions are accordingly dismissed.

61. Civil miscellaneous applications pending, if any are also disposed of.

62. A photocopy of this order be placed on the file of connected cases.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

March 23, 2026
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Whether speaking/reasoned : Yes
Whether reportable : Yes