

(2019) 11 RAJ CK 0013

In the Rajasthan High Court

Case No : Civil Writ Petition No. 15661 Of 2019

Babu Singh And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 06-11-2019

Acts Referred:

Citation : (2019) 11 RAJ CK 0013

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Shridhar Purohit, Sunil Beniwal

Final Decision : Dismissed

Judgement

By way of the present writ petition, the petitioners have challenged the notification dated 29.07.2019, inviting objections with respect to a proposal for constituting a new Gram Panchayat namely, 'Kajoi' comprising of villages Kajoi, Parasar, Hemsagar and Jaitpura.

The petitioners are residents of village Parasar, who have raised grievance against the inclusion of their village in newly proposed Gram Panchayat 'Kajoi'.

Mr. Shridhar Purohit, learned counsel for the petitioners submitted that village Parasar is presently falling in Gram Panchayat Phalsund, which is proposed to be included in Gram Panchayat Kajoi. Petitioners' contention is that if their village is included in newly proposed Gram Panchayat Kajoi, the Gram Panchayat's office will be at a distance of 13.5 kms and they will have to travel 13 kms from their village Parasar for any work in the Gram Panchayat, whereas the petitioners' present Gram Panchayat Phalsund is less than 2.5 km away from their village Parasar.

It was also submitted that there are all facilities, such as, temple, graveyard etc. available in the Gram Panchayat headquarter, Phalsund and upon inclusion of petitioners' village in new Gram Panchayat Kajoi, they will be deprived of such

facilities.

Mr. Purohit contended that if a new Gram Panchayat is to be constituted, it should be made at their village Parasar and its headquarter should also be kept at village Parasar, as it is bigger in population than Kajoi and its area is also larger than that of village Kajoi.

Mr. Sunil Beniwal, learned Additional Advocate General opposed the writ petition by contending that the petitioners' assertion is incorrect and distance from newly proposed Gram Panchayat Kajoi to village Parasar is 7.5 kms, though it comprises of 7 km Kachcha way (Katan Rasta) and prevailing way - 500 meters, but nevertheless there is connectivity. He argued that population of Gram Panchayat Phalsund had increase to 7,633, for which it had become necessary to divide the same, hence new Gram Panchayat has been proposed.

In response to the contentions of the learned counsel for the petitioners that the Gram Panchayat should be kept at village Parasar, it was contended by learned Additional Advocate General that though village Parasar is bigger in population and area, however, village Kajoi is equidistant and congruous to other three villages, hence, it was considered appropriate to keep the headquarter of Gram Panchayat at Kajoi.

I have heard learned counsel for the parties and perused the material available on record.

Having regard to the facts obtaining in the present case, this Court does not find any illegality or arbitrariness in the proposal of the State Government in carving out new Gram Panchayat in the name of Kajoi.

It is true that village Parasar is larger in size and having more population and ideally it ought to have been kept as headquarter of the Gram Panchayat or Parasar should be proposed as Gram Panchayat, however, looking to the Geographical conditions of villages comprising of the newly proposed Gram Panchayat, the minor difference of population of about 150 can be ignored, given the fact that the village Kajoi is centrally located and equidistant to other villages.

In view of the additional affidavit stating that village Kajoi is directly connected to road from village Parasar, this Court is of the considered opinion that the impugned proposal cannot be said to be faulty in any manner.

The writ petition is, therefore, dismissed.

While dismissing the writ petition, this Court would deem it appropriate to observe that even as per the respondents, Gram Panchayat headquarter Parasar is connected to village Kajoi through a 7 km 'Katan Rasta' and 'prevailing' road. Hence, the State shall ensure that both the villages are connected properly through proper road, as expeditiously as possible.