

(1975) 09 SHI CK 0017
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 167 of 1972

Jai Singh

APPELLANT

Vs

The State of H.P. and Others

RESPONDENT

Date of Decision : 19-09-1975

Acts Referred:

Himachal Pradesh Panchayati Raj Act, 1968 — Section 4, 5

Citation : AIR 1976 HP 96 : (1977) ShimLC 118

Hon'ble Judges : R.S. Pathak, C.J

Bench : Single Bench

Advocate : M.G. Chitkara, for the Appellant; Ramesh Chand, for the Respondent

Final Decision : Dismissed

Judgement

R.S. Pathak, C.J.—The petitioner is a resident of village Saryala, situated in Jagjitnagar block, tehsil and district Solan. He is aggrieved by the elections held in Gram Sabha, Chandi. He contends that the Gram Sabha area of that Gram Sabha was altered and consequently the Gram Sabha itself stood abolished. According to him, the Gram Sabha should have been constituted afresh in respect of the altered area, and as there was no fresh constitution of the Gram Sabha the action taken to hold elections to the Executive Committees consequent to the notification dated September 29, 1972 must be treated as invalid. By this writ petition the petitioner prays for relief against the elections in respect of the Gram Sabha, Chandi.

2. The writ petition is without force. Any change in the Gram Sabha area over which the existing Gram Sabha has jurisdiction does not affect the constitution of the Gram Sabha itself. Section 5 of the Himachal Pradesh Panchayati Raj Act, 1968 contemplates a Gram Sabha as a body corporate having perpetual succession and a common seal. Its jurisdiction in respect of a Sabha area is defined u/s 4 of the Act. The Government is empowered under that section to include or exclude any area from the Sabha area. Merely because the extent of the Sabha area over which the Gram Sabha has jurisdiction is altered u/s 4 does

not mean that the Gram Sabha in its nature is affected in any way. The contention of the petitioner must fail.

3. The writ petition is dismissed with costs.