
(2015) 05 RAJ CK 0116
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4756 of 2015

Jal Grahan Samiti Ranasar

APPELLANT

Vs

U.O.I. and Others

RESPONDENT

Date of Decision : 08-05-2015

Acts Referred:

Rajasthan Panchayati Raj Act, 1994 — Section 8A

Citation : (2015) 05 RAJ CK 0116

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Suresh Bhati, for the Appellant

Final Decision : Dismissed

Judgement

Arun Bhansali, J.

1. This writ petition has been filed by the petitioner aggrieved against the order dated 24.03.2015 issued by Chief Executive Officer, State Level Nodal Agency and Director Watershed Development and Soil Conservation, Rajasthan Jaipur, whereby, the authority has directed that as on account of reconstitution of Panchayat Samitis by the State Government, certain new villages have been added to the Gram Panchayat, in view thereof, the previously constituted Watershed Committees, in which, the representatives of villages have been incorporated in the new Gram Panchayat, may be dissolved and, based on the new reconstitution, the Watershed Committee be constituted.

2. It is, inter alia, claimed that as per the guidelines the Watershed Committee is to be registered under the Societies Registration Act; the Gram Sabha may elect/appoint any suitable person from the village as the Chairman of the Committee and the Committee will comprise of at least ten members; it is claimed in the writ petition that the Gram Sabha of village Ranasar in its meeting elected fifteen members for constituting the Watershed Committee vide its minutes dated 17.06.2010 and was registered in the name of Jal Grahan Samiti, Ranasar and is

working to the utmost satisfaction of the respondents; due to Panchayat elections the Panchayat area was reconstituted, due to which, various changes and various villages, which were in one Panchayat Samiti, became part of the other Panchayat Samiti.

3. Due to the aforesaid reconstitution, out of fifteen members of the Watershed Committee, five members got detached as they belong to the area which went out on account of reconstitution; it is claimed that the minimum requirement of ten members is fulfilled by the existing Watershed Committee and, therefore, there is no need to dissolve/reconstitute the Watershed Committee and the order has been passed by the respondents for accommodating persons of their choice; it is prayed that the order dated 24.03.2015 may be set aside qua the petitioner and it be held that there was no need to dissolve the Committee.

4. It is submitted by learned counsel for the petitioner that the Watershed Committee was elected in the year 2010 for seven years, was got registered and is working to the utmost satisfaction of the respondents; the guidelines envisaged minimum ten members for constituting the Committee; on account of reconstitution of Panchayat Samitis, five members of the Watershed Committee, who belong to villages, which went out of Gram Panchayat, Ranasar, got detached but still the minimum requirement of guidelines regarding ten members stands fulfilled; it is submitted that now only two years' period is left and no useful purpose would be served in dissolving the present Committee and/or reconstituting the new Committee and the order impugned passed by the respondents providing for reconstitution of the Committee is not justified in the facts and circumstances of the present case and would be unfair to the Committee as well as the elected members and, therefore, the order passed deserves to be set aside at least qua the petitioner Committee.

5. I have considered the submissions made by learned counsel for the petitioner.

6. The Chief Executive Officer vide his order dated 24.05.2015 based on the fact that Panchayat Samitis were reconstituted resulting in certain villages getting included into new Panchayat Samitis and in terms of the guidelines, whereby, for implementation of IWMP, for every Gram Panchayat a separate Watershed Committee would be constituted having at least ten elected members, directed as under:-

7. The present petition has been filed questioning the direction for dissolution of the existing Watershed Committee and reconstitution of the Committee based on the new delimitation of the Gram Panchayat; the submission made is that the minimum requirement is that of ten members and even if five members have gone out on account of reconstitution as the minimum requirement is fulfilled, there is no reason to reconstitute a new Watershed Committee.

8. The entire purpose of constitution of the Watershed Committee has been to give representation to all the sections to be represented on the Watershed Committee and the members of Gram Sabha are required to participate in the

said election and the Gram Sabha under Section 8A of the Rajasthan Panchayati Raj Act, 1994, for each Panchayat Circle, consist of the persons registered in the electoral rolls relating to the village or the group of villages comprised within the area of the Panchayat.

9. In view of the fact that the Panchayat Samitis have been reconstituted, necessarily means that the Gram Sabha would also get altered and persons belonging to the newly added villages would also get a right to be represented on the Watershed Committee and to elect members to the Watershed Committee and, therefore, the order Annexure-1 dated 24.03.2015 passed by the respondents cannot be faulted.

10. If the argument raised by learned counsel for the petitioner is accepted, the same would result in depriving the residents of newly added villages from having their representation on the Watershed Committee and/or participating in the election to the Watershed Committee, which is likely to look after their interest; the fact that the minimum requirement of having ten members is still fulfilled is of no consequence as on account of availability of minimum ten members, the residents of the newly added villages cannot be deprived of their right to be represented/elect members of the Watershed Committee.

11. In view thereof, there is no substance in the writ petition and the same is, therefore, dismissed.