
(1969) 08 RAJ CK 0007
In the Rajasthan High Court
Case No : Civil Writ Petition No. 532 of 1967

Udai Singh

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-08-1969

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1969) WLN 596

Hon'ble Judges : Jagat Narayan, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Jagat Narayan, J.—This is a petition under Article 226 of the Constitution challenging the validity of the Constitution of Panchayat on the ground that a part of a village was included in it in addition to two whole village which is not warranted by Section 3(1) of the Rajasthan Panchayat Act. Section 3(1) runs as follows:

The State Government may by notification in the official gazette establish a panchayat for a village or a part of a village or a group of villages not included within the limits of a Municipality.

2. u/s 3(1) a Panchayat may be established for a whole village or for a group of whole villages or for a part of one village. The intention is that if the village is a big one two Panchayats may be established for it. But there is no provision for including a part of a village in a Panchayat in which other whole villages are included, village Chandrai was not :j a village within the meaning of Section 2(14) of the Act. "Village" is defined in this sub-section as a local area recorded as a village in the revenue records of the district in which it is situated Chandrai was part of village Nimbi Jodha till a notification was published in the Rajasthan Gazette dated 25-1-68 during the pendency of the present writ petition declaring it to be a revenue village.

3. I accordingly allow the writ petition and hold that Chandrai Panchayat is not properly constituted. The Panchayat cannot therefore function as a Panchayat. A copy of this judgment shall be sent to the Government for appointing an Administrator for the area u/s 73 of the Rajasthan Panchayat Act, till fresh elections are held.

4. In the circumstances of the case, I leave the parties to bear their own costs of this writ petition.