

(2025) 12 P&H CK 0026

Punjab And Haryana HC

Case No: Civil Writ Petition No. 36077 Of 2025 (O&M)

Amandeep Singh And Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision: Dec. 12, 2025

Acts Referred:

- Constitution Of India, 1950-Article 243(K), 243(O)
- Punjab Panchayati Raj Act, 1994-Section 163, 164

Hon'ble Judges: Gurvinder Singh Gill, J; Ramesh Kumari, J

Bench: Division Bench

Advocate: D.S. Patwalia, Ramandeep Singh, Paras Chander Kashyap, Rahul Rampal

Final Decision: Disposed Of

Judgement

Gurvinder Singh Gill, J

1. The petitioners, who are all resident of District Sahibzada Ajit Singh Nagar (SAS Nagar), Mohali assail notification dated 10.9.2025 (Annexure P-3) issued by Department of Rural Development and Panchayat, Government of Punjab, in exercise of powers conferred by Sections 163 and 164 of Punjab Panchayati Raj Act, 1994, wherein the territorial constituencies pertaining to Zila Parishad, District SAS Nagar have been redefined/notified; and also notification dated 10.9.2025 (Annexure P-2) issued by Department of Rural Development and Panchayat, Government of Punjab, wherein the territorial constituencies pertaining to elections to members of the Panchayat Samities have been redefined/notified.

2. It may here be mentioned that as far as notification dated 10.9.2025 (Annexure P-3) is concerned, the petitioners are no longer aggrieved inasmuch as the elections to Zila Parishad, District SAS Nagar have already been postponed and as such the petitioners do not press upon their petition qua said notification at this stage.

3. The petitioners contention is primarily to the effect that once exercise of delimitation pertaining to Zila Parishad as well as Panchayat Samiti Blocks had been undertaken in the month of August, 2025 vide notification dated 8.8.2025 (Annexure P-1) and thereafter elections to the Zila Parishad and Panchayat Samities had been announced by respondent No.2 Punjab State Elections Commission on 28.11.2025 and in respect of which a formal notification had also been issued on 1.12.2025 (Annexure P-7), it was not open to the respondent State to tinker with the Zila Parishad/Panchayat Samities Blocks, whereas by virtue of notification dated 28.11.2025 published on 29.11.2025 (Annexure P-4), the respondent State has taken out 15 villages out of the purview of Panchayat Samiti, Mohali Block and have included said villages in the schedule of boundary of Municipal Corporation, District SAS Nagar. In other words, said 15 villages were taken out of the purview of election to the Panchayat Samities Mohali Block.

4. Pursuant to issuance of notice of motion on 8.12.2025, Mr. Akshay Kumar, AAG, Punjab had accepted notice on behalf of the respondent State.

5. Short reply by way of affidavit of Mr. Uma Shankar Gupta, Special Secretary, Department of Rural Development and Panchayats, Punjab has been filed by learned State counsel, which is taken on record.

6. The stand taken by the State in the aforesaid reply is that the State is fully competent to add/exclude any area to the Municipal Corporation and that the same is a legislative function. It has been submitted that by virtue of notification dated 28.11.2025 (published on 29.11.2025) (Annexure P-4), out of the 4 Panchayat Samities Blocks, District SAS Nagar, 3 of the blocks are untouched i.e. Majri, Kharar and Derabassi and that only 15 Gram Panchayats out of Panchayat Samiti Mohali Block have been taken out and have been merged with Municipal Corporation, District SAS Nagar, which infact is a kind of upgradation of the said area and for which the State was duly competent.

7. Learned State counsel has further informed that, in any case, the elections to Zila Parishad, District SAS Nagar and Panchayat Samities, Mohali Block stand postponed, whereas the elections to the untouched three blocks i.e. Majri, Kharar and Derabassi will be held as per the schedule notified vide notification dated 1.12.2025 (Annexure P-7).

8. Learned State counsel has vehemently argued that the writ petition so as to assail notification pertaining to delimitation/shifting etc. is not maintainable in view of the specific bar enshrined under Article 243(O) of Constitution of India, which is reproduced hereinunder:

243(O): Bar to interference by courts in electoral matters

Notwithstanding anything in this Constitution-

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under article 243K, shall not be called in question in any court.

(b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any Law made by the legislature of a State.

9. As against the aforesaid objection of maintainability, learned counsel for the petitioners presses into service judgments passed by Honble the Apex Court rendered in Dravida Munnetra Kazhagam (DMK) Versus Secretary, Governors Secretariat and others, (2020) 6 Supreme Court Cases 548 as well as in Union Territory of Ladakh and others Versus Jammu and Kashmir National Conference and another, 2023 SCC Online SC 1140 so as to contend that the Bar of Article 243(O) of Constitution of India is not absolute and in fit cases the Court can interfere. Para No.37 in Union Territory of Ladakh's case (supra) reads as under:

37. We would indicate that the restraint, self-imposed, by the Courts as a general principle, laid out in some detail in some of the decisions supra, in election matters to the extent that once a notification is Issued and the election process starts, the Constitutional Courts, under normal circumstances are loath to interfere, is not a contentious issue. But where issues crop up, Indicating unjust executive action or an attempt to disturb a level-playing field between candidates and/or political parties with no justifiable or intelligible basis, the Constitutional Courts are required, nay they are duty-bound, to step in. The reason that the Courts have usually maintained a hands-off approach is with the sole salutary objective of ensuring that the elections, which are a manifestation of the will of the people, are taken to their logical conclusion, without delay or dilution thereof. In the context of providing appropriate succor to the aggrieved litigant at the appropriate time, the learned Single Judge acted rightly. In all fairness, we must note that the learned ASG, during the course of arguments, did not contest the power per se of the High Court to issue the directions it did, except that the same amounted to denying the Appellants their discretion. As stated hereinbefore, we are satisfied that in view of the 1968 Order, the Appellants' discretion was not unbridled, and rather, it was guided by the 1968 Order.

10. We have heard learned counsel representing the petitioners as well as learned State counsel and have also gone through the impugned notifications.

11. Although this Court finds that once a delimitation exercise had been conducted on 8.8.2025 and thereafter the elections had also been announced, under these circumstances, the State ideally should not have chosen to tinker with any kind of modification pertaining to territorial boundary of Zila Parishad, but in any case we find that in the instant case the respondent - State has not taken out any village so

as to merge the said village in any other Panchayat Samiti, but has, in a way upgraded a part of the area falling in the area of Panchayat Samiti Mohali Block and included the same in Municipal Corporation, District SAS, Nagar. In other words, while the other three Panchayat Samities Blocks i.e. Majri, Kharar and Derabassi are unaffected, it is only the territorial limit of Panchayat Samiti, Mohali Block, which has, in a way, shrunk to some extent as a part of it has been upgraded and added in the schedule of boundary of Municipal Corporation.

12. Since learned State counsel has also informed that the State is going ahead with the elections to the other Panchayat Samities Blocks of the district and it is only the election to Panchayat Samiti, Mohali Block, which has been postponed, we do not find any reason so as to set aside any of the notifications, which are under challenge and the same are hereby upheld. The respondent - State is, however, directed to ensure that the elections to the remaining three blocks are conducted smoothly and that the elections to the Panchayat Samiti Mohali Block is also conducted at the earliest after following due procedure in accordance with law after the elections to the other 3 Panchayat Samities are over.

13. The instant petition stands disposed off accordingly.