

Office of the Election Authority

Under J&K Panchayati Raj Act, 1989

(Chief Electoral Officer, J&K)

“Greater Participation for a Stronger Democracy”

Subject: OWP No. 2033/2018, IA No. 01/2018 titled Madan Mohan versus State of J&K and others and OWP No. 2183/2018, IA No. 01/2018 titled Madan Mohan versus State of J&K and others.

ORDER

Whereas, the petitioner preferred to file the aforesaid writ petitions seeking, inter alia, following reliefs:

“Writ, order or direction in the nature of Certiorati, quashing the notification issued by the respondents vide Order No. 5402/CEO/Pyt./2017/2548 dtd 23-12-2017 in so far as it reserves the Sarpanch seat for Panchayat Halqa Jhajjar Kotli under women quota for the ensuing elections to the officers of Panches and Sarpanches for various panchayat Halqas of the State, instead of reserving the same for Panchayat Halqa Jandrah, incorrectly spelt in the said notification as ‘Jindrah’;

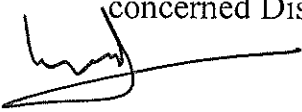
Writ, order or direction in the nature of Mandamus commanding the respondents to issue corrigendum to the impugned notification dated 23-12-2017 and to correct the placement of Panchayat Halqa Jandrah in the said notification in the alphabetical order of the names of Panchayat halqas of Block Dansal in district Jammu by reference to the correct spelling of the name of the said Panchayat i.e. ‘Jandrah’ instead of ‘Jindrah’;

Writ, order or direction in the nature of Mandamus, commanding the respondents reserve one of the seats of Sarpanches among the various seats in Block Dansal, district Jammu for Panchayat Halqa Jandrah instead of Panchayat Halqa Jhajjar Kotli in accordance with their correct placement in the alphabetical order of the names of Halqa panchayats of Block Dansal with reference to the correct spelling of their names;

Writ, order or direction in the nature of Mandamus, commanding the respondent No. 2 to take a final decision on the representation dated 18-09-2018 submitted by the petitioner before issuing the election notification for the ensuing elections to the offices of Panches and Sarpanches for various Panchayat halqas of the State.”

Whereas, the Hon’ble High court has been pleased to dispose of the said writ petitions by virtue of orders dated 05-10-2018 and 26-10-2018 with a direction upon respondents to take appropriate decision.

Whereas, accordingly report was sought in the matter and the same was reciprocated by way of reports dated 23-10-2018 and 08-11-2018 from Director General, Rural Development Department, Jammu enclosing therewith reports of concerned District Panchayat Officer and Block Development Officer.



Whereas, it has been stated in the said reports that the name of the Panchayat Halqa is written as 'Jindrah' vide Director, Rural Development Jammu's Order No. 188-DRD of 2010 dated 14-07-2010 and the same has been notified vide Notification No. 5402/CEO/Pyt/2017/2548 dated 23-12-2017. Besides, the same was published in the leading newspapers calling for objections from general public but no objections were received. Further, it has been stated by Block Development Officer (Dansal) that the Panchayats of Block Dansal have correctly been placed and the claim of the petitioner is devoid of merit. Also Director General, Rural Development Department, Jammu has stated that the claim of the petitioner is devoid of merit.

Now, therefore, in due deference of the court direction, in view of the above factual reports and also, given the fact that the process for the election to Panchayats in the state has commenced, the claim of the petitioner is devoid of merit, hence rejected.



(Shaleen Kabra) IAS
Election Authority
Under J&K Panchayati Raj Act, 1989
(Chief Electoral Officer, J&K)

No. 5402/CEO/LS/Pyt/2018/122

Dated: 09-11-2018

Copy to:

1. Director General, Rural Development Department, Jammu for information.