

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. 2014/2018, IA No. 01/2018, IA No. 02/2018 titled Inhabitants of Halqa Chattergul A Vs State of J&K and others.

ORDER

Whereas, the petitioners preferred to file the aforementioned writ petition along with interim application, seeking, inter alia, following reliefs:

“i) Issue an appropriate writ, order or directions, directing the respondents for delimitation of Halqa Panchayat Chattergul- A into two Halqas and to act upon the recommendations made by respondent No. 04 and 05 for delimitation of the Halqa Panchayat Chattergul A into two Panchayats.

ii) issue an appropriate writ, order or directions, restraining the respondents from conducting elections of Panchayat Halqa Chattergul-A and to pass an exparte ad- interim order and direct the respondents for delimitation of Halqa Panchayat Chattergul into two Halqas and till then no elections be conducted in the said Panchayat Halqa.

Whereas, Hon’ble Court has been pleased to pass an interim order dated 24-10-2018, operative part of which is reproduced below:

“In the meantime, subject to objections and till next date before the Bench, respondents shall consider the recommendations dated 17-09-2018 and 03-10-2018, within a period of ten day, of course under rules. Till than Status quo as on date be maintained.”

Whereas, accordingly report was sought from Director, Rural Development Kashmir and the same was reciprocated by way of their report dated 02-11-2018 enclosing therewith report of concerned Block Development Officer.

Whereas, it has been stated in the report that District Panchayat Officer, Ganderbal had submitted a proposal dated 17-09-2018 for delimitation of Panchayat Halqa Chattergul A and Margund to District Panchayat Election Officer (Deputy Commissioner) Ganderbal on the basis that the area is hilly and households residing there are socially and economically backward and includes ST population and accordingly concerned Deputy Commissioner forwarded the said proposal by way of a communication dated 03-10-2018 to Director, Rural Development Department, Kashmir and upon examination of the same, it has been found that Block Development Officer, Kangan vide communication dated 11-09-2018 to District Panchayat Officer, Ganderbal has depicted the population figure as per census 2011 of the said Panchayat

Halqa as 2407, the fact corroborated by communication dated 31-10-2018 of concerned District Panchayat Officer. Moreover, Block Development Officer, Kangan in a recent Communication dated 01-11-2018 has depicted the total area wise population of the said Panchayat Halqa as 2407 souls. Also Director Rural Development Department, Kashmir has stated that the population of Halqa Panchayat Chattergul A does not exceed the population of 3000 (as per census 2011) and as such does not fulfill the criteria of delimitation.

Whereas, the aforesaid reports unambiguously depict the population figure of Panchayat Halqa Chattergul- A as 2407 souls only and while applying the principle of bifurcating only those panchayat halqas having population of more than 3000 in hilly areas and 4500 in plain areas as per census 2011, in accordance with section 2 (jj) of the Act, it is noted that the said panchayat does not qualify for bifurcation as its population is less than 3000 souls.

Now, therefore in due deference of the Court directions, taking into consideration the recommendations dated 17-09-2018 and 03-10-2018 and on the strength of the above stated factual reports, the Panchayat Halqa does not qualify for bifurcation, as such the demand projected by the petitioners 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/III - 13

Dated: 02 - 11 - 2018

Copy to:

1. Mr. Mohd. Iqbal Dar, Senior Advocate, High Court, J&K, Srinagar for information.
2. Director, Rural Development Department, Kashmir for information.
3. District Panchayat Election Officer (Deputy Commissioner), Ganderbal for information.