



OFFICE OF THE
ELECTION AUTHORITY
UNDER PANCHAYATI RAJ ACT, 1989
(CHIEF ELECTORAL OFFICER, JAMMU & KASHMIR)
2ND FLOOR VIKAS BHAWAN, RAIL HEAD COMPLEX, JAMMU

ORDER

Whereas, the residents of Panchayat Halqa Chak Malal, Block Khour Tehsil Akhnour District Jammu have filed a representation in this office, in accordance with the directions passed by the Hon'ble High Court of Jammu & Kashmir at Jammu, that the Panchayat Elections should be held in Village Chak Malal alongwith the other Panchayat Halqas of Block Khour;

Whereas, the directions passed by the Hon'ble High Court in OWP No.503/2011 and CMP No.710/2011 dated 20-04-2011 are reproduced as under:-

"Notice.

In the meanwhile, it is directed that in case the petitioners approach the Election Authority under the Jammu & Kashmir Panchayati Raj Act, 1989, it shall consider the representation for passing appropriate orders thereon as warranted under law before April, 23, 2011.

A copy of the order, as requested, be supplied to the learned counsel for the petitioners under the seal and signatures of the Bench Secretary"

Whereas, the Commissioner/Secretary to Government, Housing & Urban Development Department had vide his letter No.LSG/35/J/84 dated 06-08-2010 issued a final notification under Section 5 (3) of the Jammu & Kashmir Municipal Act, 2000, vide SRO No.291 dated 6th August, 2010, including the local area of village Chak Malal bearing Khasra No.1 to 686 within the local area of the Municipal Committee, Khour;

Whereas, the Housing & Urban Development Department had subsequently issued SRO No.66 dated 22-2-2011, and thereby declared its intention to exclude the local areas of "Chak Malal" comprising Khasra No. 1 to 686 from the local areas of Municipal Committee, Khour;

Whereas, a public notice to this effect was also issued by Naib Tehsildar, Jourian vide his No.162/NT dated 03-03-2011, calling upon the inhabitants/interested persons to file objections, if any, against the intention of Government, within six weeks of the issuance of notification;

Whereas, the Government has not issued the final notification excluding the local areas of Village Chak Malal from the local areas of Municipal Committee, Khour under the relevant provision of the Jammu & Kashmir Municipal Act, 2000 till 22-04-2011;

Whereas, the District Panchayat Election Officer (Deputy Commissioner) Jammu had intimated vide his letter No.ENT/2011/4569 dated 26-03-2011 that as the Village Chak

[Handwritten signature]
22/4/11.

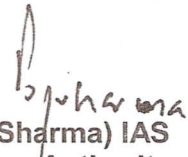
Malal has been included in Municipal Committee, Khour, the Panchayat Electoral Rolls of the said village have not been prepared;

Whereas, the District Panchayat Election Officer (Deputy Commissioner Jammu was also informed by this office vide its letter No.2043/ME/Del/2011/1989 dated 29-03-2011 that as the Village Chak Malal has been included in the Municipal Committee Khour and that the Rural Development Department has also de-notified the said area, the voters of Village Chak Malal who stand included in the Municipal Committee Khour are not entitled to cast their votes in the ensuing Panchayat Elections;

Whereas, as of today the area falling in Village Chak Malal bearing Khasra No. 1 to 686 continues to be a part of Municipal Committee, Khour by virtue of SRO 291 dated 6th August, 2010;

Whereas, though the Government had issued SRO 66 dated 22-02-2011, declaring its intention to exclude the area falling under the village Chak Malal bearing Khasra No. 1 to 686, from the jurisdiction of the Municipal Committee Khour, the Government has not issued the final notification as is envisaged under section 7 (2) of the Jammu & Kashmir Municipal Act, 2000;

Now, therefore, keeping in view of the above facts, it is hereby ordered that the Panchayat Elections cannot be held in Village Chak Malal bearing Khasra No. 1 to 686 as it continues to be a part of Municipal Committee, Khour till now and can't be deemed to be a Panchayat for the purpose of holding of Panchayat Elections.


(B. R Sharma) IAS 22/4/11.
Election Authority
Under Panchayati Raj Act, 1989
(Chief Electoral Officer, J&K)
Jammu

No.5311/CEO/PYT/Notification/2011/5356-60

Dated: 22-04-2011

Copy to the:-

1. Principal Secretary to Government, Housing & Urban Development Department, J&K, Jammu for information.
2. Commissioner/Secretary to Government, Rural Development Department, J&K, Jammu for information.
3. District Panchayat Election Officer (Deputy Commissioner) Jammu for information and to circulate the order among the concerned Returning Officers.
4. Principal Private Secretary to Chief Secretary, J&K, Jammu for the kind information of Worthy Chief Secretary, J&K.
5. Shri Bansilal Age 39 yrs (Ex-Panch) S/o Shri Kaka Ram R/o Morha Rakh Malal, Chak Malal, Tehsil Akhnoor District Jammu for information and communicate the same among other representators.