

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. 2152/2018, IA No. 01/2018 titled Inhabitants of village and Panchayat Hlaqa Gopala Chak versus State of J&K and others.

ORDER

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

i) *Writ of Mandamus directing the respondents in general and respondent No. 03 in particular to issue corrigendum to Notice/ Notification No. DRDJ/Panch/2018/49506-49550 dated 11-01-2018, so as to affect correction qua Panchayat Halqa Gopala Chak as illegally and incorrectly placed at serial No. 07 in the list of Panchayat Halqas, instead of being placed and numbered as Panchayat Halqa No. 14 by misapplying the alphabetical seratum, criteria in allotment of the numbers to Panchayat Halqas/constituencies, based on a misnomer of the said Halqa as 'Chak Gopala' adopted contrary to the consistent existing position, as per various revenue documents and other proofs in this behalf.*

ii) *Further writ of Mandamus directing the respondents to hold the election of panchayat Halqa/constituency, Gopala Chak, Block and Tehsil Marheen, District Kathua, after allotting the said constituency Panchayat Halqa No. 14 as per the alphabetical criteria in this behalf.*

Whereas, the Hon'ble High court has been pleased to dispose of the said writ petition by virtue of order dated 17-10-2018, the operative part of which is reproduced as under:-

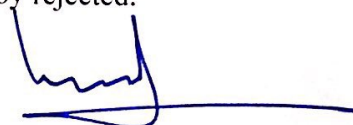
“.....Accordingly, this writ petition is disposed of with a direction that the petitioner shall file a representation before the respondent No. 03, who shall consider the same and pass an appropriate orders thereon within a period of two weeks from the date the said representation is filed.

Connected IA is also disposed of.”

Whereas, accordingly report dated 05-11-2018 was furnished by Director General, Rural Development Department, Jammu enclosing therewith the report of the concerned District Panchayat Officer and Block Development Officer.

Whereas, it has been stated in the said reports that the name of the Panchayat is 'Chak Gopala' as per Government Gazette of Panchayat Elections 2011. Moreover, the name of the said Panchayat Halqa has been reflected as 'Chak Gopala' in Form PEL-16 (certificate of election issued by Returning Officer) issued in favour of then elected Sarpanch during 2011 Panchayat elections. Also, Director General, Rural Development Department, Jammu has stated that the plea of the petitioner cannot be sustained and may be rejected.

Now, therefore, in due deference of the court direction, in light of the above factual reports and recommendation, the claim of the petitioner is hereby rejected.



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

No. 5402/CEO/LS/Pyt/2018/118

Copy to:

Dated: 05 - 11 -2018

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