

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. 2130/2018, IA No.01/2018 titled inhabitants of Panchayat Salehar Vs State of J&K & Others.

ORDER

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

“Commanding the respondents to review the delimitation process of Panchayat Salehar as the same has not been done in accordance to the population of General Category as well as SC Category.

Commanding the respondents to again prepare the fresh census as per the actual position and ground reality with respect to the Panchayat Halqa Salehar District Jammu.

Commanding the respondents to consider and decide the objections of the petitioner in accordance with the provisions of Jammu and Kashmir Panchayat Raj Act and Rules framed thereunder and also according to the aspirations and wishes of the inhabitants of Panchayat Salehar.

Prohibition restraining the respondents from conducting the elections of the Panchayat Salehar till the preparation of fresh census as per the population of General Category and SC Category of Block Bishnah.”

Whereas, Hon'ble High Court has been pleased to dispose of the instant writ petition by way of an order dated 16-10-2018, the operative part of which is reproduced below:

“This petition is accordingly disposed of with a direction to the respondent No. 4 to consider the representation filed by the petitioner and pass appropriate orders in accordance with the rules within a period of one week from the date of this order is served upon him. It is made clear that this court has not expressed any opinion with regard to the merits of the case.

Disposed of alongwith connected MP (s).”

Whereas, in pursuance to the aforementioned court order, Director General, Rural Development Department Jammu has furnished a report in the matter dated 25-10-2018 enclosing therewith the reports of concerned District Panchayat Officer and Block Development Officer; and

Whereas, the reports reveal that bifurcation of Halqa Panchayat Salehar (old) into two new panchayats viz, Panchayat Halqa Salehar Upper and Panchayat Halqa Salehar Lower, has been done as per the prescribed procedure that has been uniformly followed in the state, while referring to the census 2011 population (Rule 1(h) of J&K Panchayati Raj Rules, 1996). The bifurcation was carried out after issuing public notice dated 22-03-2017 but no objections were received from the petitioners. Reservations were, similarly, finalized after issuing public notice dated 11-01-2018 and no objections were received from the petitioners.

Now, therefore, in due deference of the court direction and in view of the above factual position, the claim of the petitioner being devoid of merit, is hereby rejected.



(Shateen Kabra) IAS
Election Authority

Under J&K Panchayati Raj Act, 1989
(Chief Electoral Officer, J&K)

No. 6463 /CEO /Pyt/2018/ 3272
Copy to:

Dated: 03 -11-2018

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