

Before : M. M. Punchhi and A. L. Bahri, JJ.

GRAM PANCHAYAT, VILLAGE KHAIRA, TEHSIL MAHINDERGARH, DISTRICT NARNAUL,—Petitioner.

versus

STATE OF HARYANA AND OTHERS,—Respondent.

Civil Writ Petition No. 10817 of 1988.

11th September, 1989.

Haryana Municipal Act, 1973—S. 4(2)—Right to raise objections against alteration of boundries of municipal area—Section 4(2) conferring right on “inhabitants”—Gram Panchayat cannot be termed as inhabitant, therefore, cannot object u/s 4(2)—Right to object vests in natural persons—Words and phrases—Inhabitants as used in S. 4(2) refers to natural and not juristic persons.

Held, that under section 4(2) of the Haryana Municipal Act, 1973, any inhabitant of the municipal area or a local area, on alteration of the boundaries of the municipal area, is entitled to raise objections. The petitioner herein is a Gram Panchayat of village Khaira and is supposedly aggrieved on the alteration of the boundaries of the municipal area. In our view, the Gram Panchayat, which is a juristic person and not a natural one, cannot be termed as ‘inhabitant’ so as to object under section 4(2) about the alteration of the boundaries of the municipal area. That privilege is with natural person and not juristic ones like the Panchayat.

(Para 3)

Writ Petition Under Articles 226/227 of the Constitution of India praying that :

- (a) records of the case be called for ;
- (b) a writ of certiorari be issued quashing the impugned notifications at Annexures P-1 and P-3 ;
- (c) any other appropriate writ, order or direction which this Hon’ble Court may deem fit and proper in the circumstances of the case, quashing the impugned notifications at Annexures P-1 and P-3 issued by respondent No. 1 may also kindly be issued ;
- (d) condition of issuing advance notice to the respondent may be dispensed with ;
- (e) costs of the writ petition may also kindly be awarded to the petitioner.

Darshan Kaur v. Gurdial Singh and another (S. S. Sodhi, J.)

It is further prayed that during the pendency of the writ petition, the operation of the impugned notification at Annexures P-1 and P-2 be kindly stayed in the interest of justice.

D. S. Bali, Sr. Advocate, with R. A. Yadav, Advocate, for the Petitioners.

S. V. Rathee, Advocate, for Respondent No. 1 and 2.

ORDER

(1) Mr. Bali admits having received the costs.

(2) Mr. Rathee also appears for respondent No. 1 and says that he adopts the reply already filed by respondent No. 2.

(3) Under section 4(2) of the Haryana Municipal Act, 1973, any inhabitant of the municipal area or a local area, on alteration of the boundaries of the municipal area, is entitled to raise objections. The petitioner herein is a Gram Panchayat of village Khaira and is supposedly aggrieved on the alteration of the boundaries of the municipal area. In our view, the Gram Panchayat, which is a juristic person and not a natural one, cannot be termed as 'inhabitant' so as to object under section 4(2) about the alteration of the boundaries of the municipal area. That privilege is with natural persons and not juristic ones like the Panchayat.

For this reason we dismiss the petition *in limine*.

R.N.R.

Before : S. S. Sodhi, J.

DARSHAN KAUR,—Petitioner.

versus

GURDIAL SINGH AND ANOTHER,—Respondents.

Civil Revision No. 1174 of 1988

16th November, 1989.

Code of Civil Procedure (5 of 1908)—S. 47, O. 21, Rl. 34—Execution of decree for specific performance—Judgment-debtor Proceeded