

HIGH COURT OF JAMMU AND KASHMIR

AT JAMMU

OWP No.1961/2018, IA No. 01/2018

Inhabitants of Khari, Tehsil Haveli District Poonch
Vs
State of J&K and ors.

Coram:

Hon'ble Mr. Justice Sanjay Kumar Gupta, Judge

Appearing counsel:

For Petitioner(s)	:	Mr. Bari Abdullah, Advocate
For respondent (s)	:	Mr. Arshad Malik, Dy.AG

i)	Whether to be reported in Digest/Journal	:	Yes/No.
ii)	Whether approved for reporting in Press/Media	:	Yes/No.

1. Notice. Mr. Arshad Malik, learned Dy.AG accepts notice on behalf of the respondents.
2. With the consent of learned counsel for the parties, writ petition is taken up for final disposal.
3. The petitioners are aggrieved of the decision taken by the respondents in declaring the Sarpanch Constituency of Panchayat Khari Haveli as a reserve constituency for the ST Members. It is stated that in the said Sarpanch Constituency the ST population is less than the general population. It is further stated the Sarpanch Constituency of Khari Dharmasal in the earlier election had not reserved any category and thereafter the Sarpanch constituency was divided into two Panchayats, namely, Khari and Kharmaraz and now both the Panchayats have been reserved for ST category. It is stated that the respondents

who have issued the notification are acting in hot hast and are depriving general people from contesting the elections which is contrary to constitutional law and also against the natural justice. It is further stated that as per the actual data of population the Sarpanch concerned has already submitted a correct data to the office of respondent No. 3 which shows that there are total 941 voters out of which 480 are general voters and 461 are ST voters and without considering the same Panchayat constituency has been reserved for ST category.

4. During the course of the arguments, learned counsel for the petitioners submitted that the petitioners would feel satisfied, if their application/representation which is alleged to have been filed by the petitioners before the Deputy Commissioner, Poonch is considered and decided within some stipulated time. Submission made is considered. There is no legal impediment in granting such relief.

5. Mr. Arshad Malik, learned Dy.AG appearing for the respondents states that he has no objections, in case, submission of learned counsel for the petitioners is allowed.

6. In view of the aforesaid submissions made by learned counsel for the petitioners and in the facts of the case, the instant petition is disposed of with a direction to Deputy Commissioner, Poonch to consider and decide the application/representation filed by the petitioners, if any, as per the rules and regulations governing the field, by a speaking order, within a period of two weeks from the date of receipt of certified of this order.

7. The writ petition alongwith connected MP stands **disposed of** in the above terms.

(Sanjay Kumar Gupta)
Judge

Jammu
29.09.2018
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