

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.3547 of 2026

**a/w CWP Nos.3193, 3286, 3287,
3452, 3635, 3640, 3707, 3726, 3953,
4021, 4040, 4047 & of 2026**

Date of decision: 31.03.2026

1. CWP No.3547 of 2026

Mahila Mandal of Village Umri & Ors. ...Petitioners.

Versus

State of H.P. & Ors. ...Respondents.

2. CWP No.3193 of 2026

Mahila Mandal of Village Ghurat & Ors. ...Petitioners.

Versus

State of H.P. & Ors. ...Respondents.

3. CWP No.3286 of 2026

Mahila Mandal Kakrohal. ...Petitioner.

Versus

State of Himachal Pradesh & Ors. ...Respondents.

4. CWP No.3287 of 2026

Nirmal Singh. ...Petitioner.

Versus

State of H.P. & Ors. ...Respondents.

5. CWP No.3452 of 2026

Pawan Singh. ...Petitioner.

Versus

The State of Himachal Pradesh & Ors. ...Respondents.

6. CWP No.3635 of 2026

Kartar Chand.

...Petitioner.

Versus

State of Himachal Pradesh & Ors.

...Respondents.

7. CWP No.3640 of 2026

Satinder Kumar & Ors.

...Petitioners.

Versus

State of Himachal Pradesh & Ors.

...Respondents.

8. CWP No.3707 of 2026

Shashi Kant & Ors.

...Petitioners.

Versus

The State of Himachal Pradesh & Ors.

...Respondents.

9. CWP No.3726 of 2026

Budhi Ram.

...Petitioner.

Versus

State of Himachal Pradesh & Ors.

...Respondents.

10. CWP No.3953 of 2026

Rattan Chand & Ors.

...Petitioners.

Versus

State of Himachal Pradesh & Ors.

...Respondents.

11. CWP No.4021 of 2026

Suresh Kumar & Anr.

...Petitioners.

Versus

State of Himachal Pradesh & Ors.

...Respondents.

12. CWP No.4040 of 2026

Kamla Dutt Sharma.

...Petitioner.

Versus

State of Himachal Pradesh & Ors.

...Respondents.

13. CWP No.4047 of 2026

Gram Sudhar Sabha Jarora & Anr.

...Petitioners.

Versus

State of H.P. & Ors.

...Respondents.

*Coram****Hon'ble Mr. Justice Vivek Singh Thakur, Judge.******Hon'ble Mr. Justice Ranjan Sharma, Judge.****Whether approved for reporting? Yes.*

For the petitioner : Mr. Prem Chand Verma, Mr. Aakash Thakur, Mr. Varun Thakur, Mr. Prikshit Rathore, Mr. Sangram Singh Chandel, Mr. Gurmeet Bhardwaj, Mr. Janesh Gupta, Mr. Kush Sharma, Mr. Tarun K. Sharma, Mr. Ranbir Rathore, Mr. Ashok Kumar Thakur, Mr. Narender Singh Thakur, Mr. Ashwani K. Sharma and Dr. Rajesh Parmar, Advocates, for respective petitioner(s) in respective petitions.

For the respondent(s) : Mr. Anup Rattan, Advocate General with Mr. Ramakant Sharma, Additional Advocate General and Mr. Swati Draik, Deputy Advocate General for the respondent-State in respective petition(s).

: Mr. Surender Kumar Sharma, Advocate, for respondent-H.P. State Election Commission in respective petition(s).

Vivek Singh Thakur, Judge

All these petitions for involvement of common question of law and similar facts, are being decided together by this judgment.

CWP No. 3547 of 2026

2. Petitioners in this petition, by invoking Article 226 of the Constitution of India, have approached this Court against reorganization/division/bifurcation of Gram Panchayat, Shingla, District Shimla, into two Panchayats, namely Gram Panchayat Shingla and Gram Panchayat Kalna, on the ground that their village Umri has been wrongly included in Gram Panchayat Kalna, which will cause inconvenience to the residents of Village Umri.

3. Apart from other grounds based on the factual matrix, challenge has also been laid to notification creating or reorganizing new Gram Panchayat and delimitation thereof on the ground that action of the respondent-State is vitiated due to non-publication and improper distribution of draft notification dated 10.03.2026. The time period of three days provided for filing objections to the proposal of delimitation, notified vide notification dated 16.03.2026 (Annexure P-4), is unreasonable and violative of settled principles of justice. State Election Commission, vide communication dated 05.03.2026 (Annexure P-8), had advised the respondents to refrain from creating or reorganizing new Panchayats of Gram Sabha area after commencement of delimitation process, in view of directions issued by the Apex Court for completion of Panchayati Raj Elections before

31.05.2026, but despite that impugned notifications have been issued which are creating legal complications in the delimitation process.

4. The petition has also been filed on the ground that objections preferred on behalf of residents of Umri on 18.03.2026 (Annexure P-5) have not been decided by passing a speaking and reasoned order. The respondents have proceeded further arbitrarily on the basis of wrong assumptions and presumptions without taking care of factual matrix, thereby causing inconvenience to the petitioners and other residents of Village Umri.

5. As per reply filed to the petition, the Deputy Commissioner, Shimla, received a resolution dated 10.12.2024, passed unanimously by approximately 242 members of Gram Panchayat, resolving for bifurcation and reorganization of Gram Panchayat Shingla, on account of population of Gram Panchayat, Shingla, exceeding 3200, extensive and scattered geographical conditions, and certain villages being located at distance of nearly 10 kilometers from Panchayat Bhawan, causing administrative inconvenience.

6. It is further case of the respondents that representations were also received from Mahila Mandal, Nogli, dated 01.01.2025 and Yuvak Mandal, Nogli, dated 27.12.2024, reiterating the demand for bifurcation and constitution of new Panchayat.

7. It has been further case of the respondents that, in continuation of statutory and administrative process, Deputy Commissioner, Shimla, vide office order dated 15.05.2025, had authorized the concerned Block Development Officers, on area-wise basis, to undertake determination and delimitation of electoral constituencies of Gram Sabhas as well as Panchayat Samitis in their respective jurisdictions. In furtherance thereof, necessary directions were issued to Block Development Officers to carry out delimitation strictly in accordance with guidelines and particulars contained in relevant communications. Revised delimitation notifications were duly published and notified for information of general public. Copies of notifications were furnished to District Panchayat Officer, Shimla, Divisional Commissioner, Shimla, Director Panchayati Raj, and Secretary, State Election Department, Himachal Pradesh.

8. It has been pleaded on behalf of respondent/State that in aforesaid background, vide notification dated 10.03.2026 (Annexure P-2), Government of Himachal Pradesh, through Secretary, Panchayati Raj, in exercise of powers conferred under Section 3 of the HP Panchayati Raj Act, 1994, with approval of Governor of Himachal Pradesh, notified the proposal for bifurcation, delimitation and reorganization of certain Gram Panchayats in District Shimla. The notification was published in e-Rajpatra of Himachal Pradesh for

information of all concerned Gram Panchayats as well as general public. The Deputy Commissioner was directed to examine the matter, invite and adjudicate objections, if any, and to make appropriate recommendations regarding proposed bifurcation, delimitation and reorganization of Panchayats. Three days' time was given to file objections from the date of issuance of the notification. Thus, the last date for submission of objections was 13.03.2026. Vide communication dated 14.03.2026 (Annexure R-3/6), the Deputy Commissioner submitted recommendations after duly inviting objections and upon consideration and adjudication thereof. Accordingly, the concerned Block Development Officer duly completed the process on 16.03.2026, and the Government of Himachal Pradesh duly notified reorganization of Gram Panchayat in accordance with law.

9. From the communication dated 14.03.2026 (Annexure R-3/3), sent from office of the Deputy Commissioner to all Block Development Officers of District Shimla, it is apparent that Block Development Officers were informed that vide notification dated 14.03.2026, issued by the Secretary, Panchayati Raj, to the Government of Himachal Pradesh, certain Gram Sabhas have been divided/bifurcated and new Gram Sabhas have been established in different Development Blocks of Shimla. Accordingly, in view of

authorization extended to concerned Block Development Officers, vide communication dated 15.05.2025, for delimitation of Gram Sabhas/territorial constituencies (Wards), Block Development Officer were directed to complete delimitation process as under:-

Notification of Delimitation proposal	On or before 15.03.2026
Objection period (3 days)	Upto 18.03.2026
Final publication of delimitation within two days	On or before 20.03.2026

10. In furtherance of aforesaid directions, Block Development Officer, Rampur, issued notification dated 16.03.2026 regarding proposal for delimitation of various Gram Panchayats, including Gram Panchayat Shingla and Gram Panchayat Kalna, by inviting objections within three days from the date of the notification. On 18.03.2026, residents of Umri submitted objections. On 20.03.2026, final notification of delimitation was issued.

11. Similarly, in CWP No. 3193 of 2026, proposal for creation/re-organization/ bifurcation was issued on 28.2.2026 by granting 3 days time upto 2nd March, 2026 for filing objections, and after consideration on 3rd March, 2026, recommendation was made on 5th March, 2026, and Secretary Panchayati Raj issued final notification on 7th March, 2026. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to communicate that in all cases final delimitation has been

notified on or before 20.03.2026. However, it is apparent that after 7th March, 2026, there was no sufficient time to complete the process of delimitation by adhering to time frame provided in Election Rules.

12. In CWP No. 3286 of 2026, proposal for creation/re-organization/ bifurcation was issued on 28th February, 2026 by granting 3 days time for filing objections, and it was finalized on 7th March, 2026. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to communicate that in all cases final delimitation has been notified on or before 20.03.2026. However, it is apparent that after 7th March, 2026, there was no sufficient time to complete the process of delimitation by adhering to time frame provided in Election Rules.

13. In CWP No. 3287 of 2026, proposal for creation/re-organization/ bifurcation was issued on 28th February, 2026 by granting 3 days time for filing objections, and it was finalized on 7th March, 2026. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to communicate that in all cases final delimitation has been notified on or before 20.03.2026. However, it is apparent that after 7th March, 2026, there was no sufficient time to complete the process of delimitation by adhering to time frame provided in Election Rules.

14. In CWP No. 3452 of 2026, proposal for creation/re-

organization/ bifurcation was issued on 28.2.2026 by granting 3 days time for filing objections, but notification was forwarded to Gram Panchayat on 2nd March, 2026, i.e. after expiry of time provided for filing objections, and thereafter, on 7th March, 2026 Secretary Panchayati Raj issued final notification. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to communicate that in all cases final delimitation has been notified on or before 20.03.2026. However, it is apparent that after 7th March, 2026, there was no sufficient time to complete the process of delimitation by adhering to time frame provided in Election Rules.

15. In CWP No. 3635 of 2026, proposal for creation/re-organization/ bifurcation was issued on 18th December, 2024 by granting 7 days time for filing objections, and it was finalized on 6th March, 2026 without adjudication of objections. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to communicate that in all cases final delimitation has been notified on or before 20.03.2026. However, it is apparent that after 6th March, 2026, there was no sufficient time to complete the process of delimitation by adhering to time frame provided in Election Rules.

16. In CWP No. 3640 of 2026, proposal for creation/re-

organization/ bifurcation was issued on 7th March, 2026 by granting 3 days time for filing objections, and it was finalized on 12th March, 2026. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to communicate that in all cases final delimitation has been notified on or before 20.03.2026. However, it is apparent that after 12th March, 2026, there was no sufficient time to complete the process of delimitation by adhering to time frame provided in Election Rules.

17. In CWP No. 3707 of 2026, proposal for creation/re-organization/ bifurcation was issued on 28th February, 2026, by granting 3 days time for filing objections, and it was finalized on 9th March, 2026. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to communicate that in all cases final delimitation has been notified on or before 20.03.2026. However, it is apparent that after 9th March, 2026, there was no sufficient time to complete the process of delimitation by adhering to time frame provided in Election Rules.

18. In CWP No. 3726 of 2026, proposal for creation/re-organization/ bifurcation was issued on 28th February, 2026, by granting 3 days time for filing objections, and it was finalized on 7th March, 2026. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to

communicate that in all cases final delimitation has been notified on or before 20.03.2026. However, it is apparent that after 7th March, 2026, there was no sufficient time to complete the process of delimitation by adhering to time frame provided in Election Rules.

19. In CWP No. 3953 of 2026, proposal for creation/re-organization/ bifurcation was notified on 13th February, 2026 by granting 5 days time for filing objections, and it was finalized on 26th February, 2026. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to communicate that in all cases final delimitation has been notified on or before 20.03.2026. However, it is apparent that after 21st February, 2026, there was no sufficient time to complete the process of delimitation by adhering to time frame provided in Election Rules.

20. In CWP No.4021 of 2026, proposal for creation/re-organization/ bifurcation was issued on 28.2.2026 by granting 3 days time for filing objections, and it was finalized on 7th March, 2026, which was modified by issuing corrigendum on 12.3.2026. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to communicate that in all cases final delimitation has been notified on or before 20.03.2026. However, it is apparent that after 12th March, 2026, there was no

sufficient time to complete the process of delimitation by adhering to time frame provided in Election Rules.

21. In CWP No. 4040 of 2026, proposal for creation/re-organization/ bifurcation was issued on 19th May, 2025, by granting seven days' time for filing objections and it was finalized on 18th December, 2025. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to communicate that in all cases final delimitation has been notified on or before 20.03.2026.

22. In CWP No. 4047 of 2026, proposal for creation/re-organization/ bifurcation was issued on 10th March, 2026, by granting 3 days time for filing objections, which was recommended on 13th March, 2026, and it was finalized on 14th March, 2026. Learned Advocate General has submitted that though final notification are not with him, however, he has been instructed to communicate that in all cases final delimitation has been notified on or before 20.03.2026. However, it is apparent that after 14th March, 2026, there was no sufficient time to complete the process of delimitation by adhering to time frame provided in Election Rules.

23. Learned Advocate General has submitted that vide judgment dated 9.1.2026 passed in CWPIIL No. 115 of 2025, the Court had permitted the respondents-State to undertake re-creation of

Panchayati Raj Institutions and urban local bodies by completing the process by respondents-State Department by 28th February, 2026 and thereafter to conduct elections within eight weeks thereafter. He has further submitted that aforesaid direction was modified by the Apex Court by permitting the respondents-State to complete pending process by 31st March, 2026 instead of 28th February, 2026 and thereafter to conduct elections within eight weeks positively by 31st May, 2026.

24. Learned Advocate General has submitted that Division Bench of this High Court in ***CWP No.13810 of 2025, Devinder Singh Negi Vs. State of Himachal Pradesh and others***, had directed to undertake delimitation process afresh, and further that State had relied upon judgment dated 6.1.2021 passed by co-ordinate Division Bench in ***CWP No. 5987 of 2020***, titled as ***Manish Dharmaik Vs. State of H.P.***, whereby it was directed that notification reserving offices of Gram Panchayats in State for various categories to elections of Panchayati Raj Institutions required to be published and placed in public domain on the website of State Election Commission at least three months prior to the commencement of election process. Further that respondents-State had submitted that tentative time schedule for delimitation and reservation in response to CWPIIL No. 115 of 2025, has been re-produced by the Division Bench in the said judgment in para 37, which reads as under:-

Activity	Date
Letter to DCs for delimitation of constituencies/wards of PRIs	20.12.2025
Period required for DCs for publication of delimitation proposals	Approximately upto 10.01.2026
Period for filing objections	7 days from date of publication – Approximately upto 17.01.2026
Period required to inquire and consider objections by DCs	7 days after the last date of inviting objections – 24.01.2026
For filing appeal before Div. Comm.	10 days upto 04.02.2026
Period to hear and decide the Appeal by Divisional Commissioner	15 days 19.02.2026
Final publication	5 days 24.02.2026
Time period required for reservation	30 days by 24.03.2026

25. With aforesaid submission, it has been submitted by learned Advocate General that after passing of judgment by the Apex Court in Civil Appeal No. 1607 of 2026, dated 13.2.2026, the State was competent and entitled to complete the pending process by 31st March, 2026 and, therefore, respondents-State had taken further action in the proposals pending since the year 2024 for bifurcation/re-origination of Gram Panchayats, as there was a direction to complete

the pending process by 31.3.2026. It has been submitted that in view of **Devinder Singh Negi's** case also, respondents had to take steps for re-delimitation of Zila Parishads for conducting elections, otherwise it would not have been possible to conduct the elections.

26. It has been submitted by learned Advocate General that in view of mandate of the Apex Court, the entire process was to be completed by 31st March, 2026 and, therefore, respondents were constrained to squeeze the time of 7 days for inviting objections against proposal of delimitation by 3 days and accordingly after re-origination of Panchayats instead of 7 days, 3 days time was given and thereafter final delimitation notice was issued immediately after expiry of finalization of objections after consideration of objections, but without waiting for limitation period of 10 days, available for filing appeal before the Divisional Commissioner against the decision, on objections, taken by the Deputy Commissioner. It has been submitted that as final notification of delimitation has not been assailed and present prayer will not serve the purpose and, therefore, petitions deserve to be dismissed.

27. It has been submitted by learned Advocate General that there is a difference between glaring illegal Act and statutory irregularity and in present case there is no glaring illegal act committed by the respondents and, therefore, for assailing the statutory irregularity petitioners have to establish prejudice caused to

them on account of delimitation carried out after curtailing 7 days period to 3 days and without waiting for expiry of limitation period for filing appeal before Divisional Commissioner. Further that no genuine case has been made out in the objections preferred by the petitioners in their respective petitions and, therefore, challenge to the action of State by pointing out statutory irregularity, is not sustainable.

28. Learned Advocate General has submitted that in similar facts and circumstances, judgment passed by the Apex Court in ***State of Goa and Another Vs. Fouziya Imtiaz Shaikh and Another***, reported in **(2021) 8 SCC 401**, is also relevant to be referred and he has referred following paras thereof:-

“2. The present batch of civil appeals raise important questions on the provisions contained in Part IX-A of the Constitution of India. The Goa State Election Commission (“SEC”) decided to postpone the elections to 11 Municipal Councils whose terms were to expire on 4.11.2020. The elections were scheduled to be held on 18.10.2020, which were postponed to 18.1.2021 in view of the COVID-19 pandemic situation in the State of Goa.

3. On 3.11.2020, the Governor of Goa appointed the Law Secretary of the Government of Goa, a member of the IAS, as State Election Commissioner which duties were to be in addition to his duties as Law Secretary. By an order dated 5.11.2020, Municipal Administrators were appointed by the Department of Urban Development (Municipal Administration) for all these municipal councils whose terms had expired. By a notification dated 14.1.2021, the Goa SEC further postponed the election for a period of three months i.e., till April, 2021 or the election date which may be determined by the Commission.

begun until it is over. The constitutional bar operates only during this period. It is therefore a matter of discretion exercisable by a writ court as to whether an interference is called for when the electoral process is "imminent" i.e, the notification for elections is yet to be announced.

68.2 If, however, the assistance of a writ court is required in subserving the progress of the election and facilitating its completion, the writ court may issue orders provided that the election process, once begun, cannot be postponed or protracted in any manner.

68.3. The non obstante clause contained in Article 243-ZG does not operate as a bar after the election tribunal decides an election dispute before it. Thus, the jurisdiction of the High Courts under Articles 226 and 227 and that of the Supreme Court under Article 136 of the Constitution of India is not affected as the non obstante clause in Article 243-ZG operates only during the process of election.

68.4 Under Article 243-ZA(1), the SEC is in overall charge of the superintendence, direction and control of the preparation of electoral rolls, and the conduct of all municipal elections. If there is a constitutional or statutory infraction by any authority including the State Government either before or during the election process, the SEC by virtue of its power under Article 243-ZA(1) can set right such infraction. For this purpose, it can direct the State Government or other authority to follow the Constitution or legislative enactment or direct such authority to correct an order which infracts the constitutional or statutory mandate. For this purpose, it can also approach a writ court to issue necessary directions in this behalf. It is entirely upto the SEC to set the election process in motion or, in cases where a constitutional or statutory provision is not followed or infringed, to postpone the election process until such illegal action is remedied. This the SEC will do taking into account the constitutional mandate of holding elections before the term of a municipality or municipal council is over. In extraordinary cases, the SEC may conduct elections after such term is over, only for good reason.

68.5 Judicial review of a State Election Commission's order is available on grounds of review of administrative orders. Here again, the writ court must adopt a hands-off policy while the election process is on and interfere either before the process commences or after such process is completed unless interfering with such order subserves and facilitates the progress of the election.

68.6 Article 243-ZA(2) makes it clear that the law made by the legislature of a State, making provision with respect to matters relating to or in connection with elections to municipalities, is subject to the provisions of the Constitution, and in particular Article 243-T, which deals with reservation of seats.

68.7 The bar contained in Article 243-ZG(a) mandates that there be a judicial hands-off of the writ court or any court in questioning the validity of any law relating to delimitation of constituency or allotment of seats to such constituency made or purporting to be made under Article 243ZA. This is by virtue of the non obstante clause contained in Article 243-ZG. The statutory provisions dealing with delimitation and allotment of seats cannot therefore be questioned in any court. However, orders made under such statutory provisions can be questioned in courts provided the concerned statute does not give such orders the status of a statutory provision.

68.8 Any challenge to orders relating to delimitation or allotment of seats including preparation of electoral rolls, not being part of the election process as delineated above, can also be challenged in the manner provided by the statutory provisions dealing with delimitation of constituencies and allotment of seats to such constituencies.

68.9 The constitutional bar of Article 243-ZG(a) applies only to courts and not the State Election Commission, which is to supervise, direct and control preparation of electoral rolls and conduct elections to municipalities.

68.10 The result of this position is that it is the duty of the SEC to countermand illegal orders made by any authority including the State Government which delimit constituencies or allot seats to

such constituencies, as is provided in proposition 68.4 above. This may be done by the SEC either before or during the electoral process, bearing in mind its constitutional duty as delineated in the said proposition.”

29. It has been submitted by learned Advocate General that in present case findings given in para 68.4 are applicable and it is the State Election Commission to take call with respect to process being undertaken by respondents-State and to set right any infraction if found in action of the State and further that any infringement or rules or provisions in delimitation or re-organization in the Panchayats can be a good ground for challenging the elected office bearer by defeated candidate. According to him, at this stage respondents should be permitted to continue to proceed further by keeping these petitions pending to be adjudicated later on for deciding the question of law in future, but allowing the respondent-State to determine Roster on the basis of impugned notification and delimitation carried out by the respondent-State in question.

30. Learned counsel for Election Commission submits that in view of order passed by the Supreme Court to complete pending process by 31.3.2026, any delay in determining and notifying the roster may call action against the defaulters of contempt of the order passed by the Apex court, as it has been observed by the Apex Court that no application for extension of time shall be entertained.

31. Learned Advocate General has submitted that this bar

for extension of time is related to conducting the elections positively by 31st May, 2026 and, as because of pending litigation, exercise for determination the entire roster could not be undertaken, it would be permissible for the State to pray and for this Court to allow the respondents-State to complete the process of determining the roster within 6-7 days after passing of appropriate order in these petitions pending in this Court regarding re-organization/ organization and delimitation of Gram Panchayats.

32. Learned Advocate General as well as learned counsel for the Election Commission, under instructions, have submitted that permitting the respondents-State to determine the roster within 6-7 days after 31st March, 2026, would not cause delay in completing the process of conducting elections by 31st May, 2026, as according to them after fresh delimitation entire exercise has been undertaken, but has not been notified for pendency of litigation and further even if re-organization and delimitation carried out by issuing draft notifications/proposals in the last week of February, 2026 and thereafter, interference in these petitions is held to be illegal, then also reservation roster can be determined and notified on the basis of Gram Panchayats existing prior to impugned creation, bifurcation or reorganization, as in those Panchayats everything else has been done in consonance with the provisions of Panchayati Raj Act and Rules framed thereunder including Election Rules and the said

exercise can be completed within 6-7 days, enabling the respondents to complete the election process by 31st May, 2026.

33. It is apt to record that vide judgment dated 09.01.2026 passed in *CWPIL No.115 of 2025 (Dikken Kumar Thakur & Anr. vs. The State of Himachal Pradesh & Ors.)*, following direction was passed by Division Bench of this High Court:-

“71. In view of above discussion, State Election Commission, Panchayati Raj Department, Urban Development Department and SDMA, are directed sit together, decide together and march together, harmoniously to act in consonance with constitutional mandate for reconstitution of Panchayati Raj Institutions and ULBs by completing all process by the respondent-State’s Departments by 28.02.2026 and thereafter, conduct of elections within eight weeks thereafter, i.e. or or before 30.04.2026. In this exercise, State Election Commission, through State Election Commissioner, shall perform duty of elder brother and all others shall act in aid of Election Commission to conduct the elections in compliance of aforesaid directions and in consonance with Constitutional mandate.”

34. The aforesaid judgment was assailed by State of Himachal Pradesh before Apex Court by filing *Civil Appeal No.1607 of 2026*, which was disposed of by the Apex Court vide order dated 13.02.2026 with following observations and modifications: -

- “1. Leave granted.
2. We have heard Shri V. Giri, learned senior counsel on behalf of the appellants and Shri Maninder Singh & Shri Ankush Dass Sood, learned senior counsel, representing the writ petitioners before the High Court.
3. The direction issued by the High Court that elections of the Urban Local Bodies/Municipal Corporations/Nagar Panchayats are required to be held after expiry of their term of the elected bodies, in terms of the constitutional mandate, is the correct position of law, and it does not warrant any interference by this Court. The High Court was equally right in observing that the pendency of the

delimitation exercise is also not a valid ground to delay or stall the elections of local bodies and Panchayats.

4. However, having regard to the logistical difficulties experienced by the State Government, we modify the schedule of election slightly and further modify paragraph 71 of the impugned judgment in the following terms:

(i) The State Election Commission, Panchayati Raj Department, Urban Development Department and SDMA, altogether will finalise and shall complete the pending processes by 31.03.2026 (instead of 28.02.2026) and thereafter the elections shall be conducted within 8 weeks, i.e., positively by 31.05.2026. No application for extension of time shall be entertained.

5. The appeal is, accordingly, disposed of.”

35. It is apt to record that Division Bench of this High Court vide judgment dated 6th January, 2021 passed in ***CWP No. 5987 of 2020*** along with connected matters titled ***Manish Dharmaik vs. State of Himachal Pradesh and others*** has directed as under:-

“Before parting with the judgment, having taken note of methodology adopted by the State in preparing, implementing and rotating the election reservation roster for reservation of offices/Gram Panchayats in elections to the Panchayati Raj Institutions in the State and various contentions advanced by learned counsel for the parties, we hereby issue following directions to the State to be followed in future:-

(i) In cases of re-organization/separation/creation of Gram Panchayats/Blocks etc., reservation of offices therein should be allocated afresh based upon the ‘changed’ population structure in accordance with relevant provisions of applicable Statute and the Rules. However, while applying the Election Reservation Roster, proper care should be taken so that reservation roster gets rotated to the maximum extent possible;

(ii) Grievances of the petitioners with respect to application and rotation of election reservation roster over changed territories of Gram Panchayats/Blocks, howsoever, genuine these might be, cannot be examined at this stage when election process is already underway, in view of bar imposed by Article 243-O of Constitution of India. In such circumstances, we direct the respondent-State to ensure that, in future, the notification reserving offices in the Gram Panchayats/Blocks in the State for various categories in elections to Panchayati Raj Institutions is published and placed in public domain on the website of State

Election Commission at least three months prior to the commencement of election process to enable timely adjudication of disputes pertaining to application/rotation of election reservation roster. All consequent steps in furtherance of same be also taken accordingly.”

36. In these petitions re-organization, bifurcation or creation of Panchayats as well as Local Self Bodies, after imposition of Clause 12.1 of the Himachal Pradesh Panchayats and Municipalities Model Code of Conduct, 2020 by State Election Commission of Himachal Pradesh (in short 'HP Model Code of Conduct'), has also been assailed by the petitioners being arbitrary, in violation of Clause 12.1 of HP Model Code of Conduct invoked by State Election Commission on 17.11.2025 and unconstitutional being violative of mandate of the Constitution of India.

37. Undisputably in State of Himachal Pradesh, the term of Panchayati Raj Institutions was to expire in January 2026 and term of some Urban Local Bodies ('ULBs'), Municipal Corporations, Nagar Panchayats etc. was to expire in April, 2026. In *CWPIL No.115 of 2025 (Dikken Kumar Thakur & Anr. vs. The State of Himachal Pradesh & Ors.)* vide judgment dated 09.01.2026, this Court had issued direction to the respondent-State and State Election Commission to complete the pending process on behalf of the State by 28.02.2026 and to conduct elections of Panchayati Raj Institutions and local self-bodies on or before 30.04.2026.

38. The aforesaid judgment was assailed by the State before Apex Court by filing *SLP (C) No.5451 of 2026 (Civil Appeal No.1607 of 2026)*, which was disposed of by the Apex Court vide order dated 13.02.2026 with observation that the judgment passed by this Court did not warrant any interference by the Apex Court, however, by extending the time to complete the pending processes by 31.03.2026 (instead of 28.02.2026) and to conduct elections thereafter within eight weeks, i.e. positively by 31.05.2026 with rider that no application for extension of time shall be entertained.

39. It is also undisputed that State Election Commission had issued communication dated 17.11.2025 in exercise of powers vested in it under Articles 243K and 243ZA of the Constitution read with enabling Sections of Himachal Pradesh Panchayati Raj Act, 1994 (in short 'PR Act'), Himachal Pradesh Municipal Act and Himachal Pradesh Municipal Corporation Act read with Clause 2(1) of Himachal Pradesh Panchayat and Municipal Model Code of Conduct, 2020, has enforced Clause 12.1 of Model Code of Conduct, 2020, throughout the State of Himachal Pradesh, whereby structure, classification, and area of Panchayats and Municipalities, has been prohibited to be altered after issuance of the said notification till the election process is over.

40. Despite issuance of aforesaid communication dated 17.11.2025, Department of Rural Development of the Government of Himachal Pradesh had undertaken process of delimitation of Panchayats issuing notification dated 28.11.2025.

41. *CWP No.13810 of 2025 (Devinder Singh Negi vs. State of Himachal Pradesh & Ors.)* was filed in June/July 2025 assailing the orders of Deputy Commissioner as well as Divisional Commissioner and quashing of amendment carried out under Rule 9(2) of Himachal Pradesh Panchayati Raj (Election) Rules, 1994 (in short '**H.P. Election Rules**'). The said petition was decided on 05.12.2025, whereby first amendment carried out in Rule 9(2) of H.P. Election Rules and consequential notifications regarding delimitation of territorial constituencies in Zila Parishad, Shimla, dated 17.05.2025 and 31.05.2025, were quashed and set aside.

42. In the meanwhile, *CWPIL No.115 of 2025 (Dikken Kumar Thakur & Anr. vs. The State of Himachal Pradesh & Ors.)* was preferred seeking mandamus to respondent-State to ensure conduct of election before expiry of term of Panchayats. The said writ petition was allowed vide judgment dated 09.01.2026 and respondents were directed to complete the election process by 30.04.2026. As recorded *supra*, the said judgment was assailed in the Apex Court, where the date to complete the process of election was finalised as 31.03.2026

(instead of 28.02.2026) and conduct the election positively by 31.05.2026.

43. Before proceeding further, it would be appropriate to refer Article 243K of the Constitution, which reads as under:-

“243K. Elections to the Panchayats.—(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.

(2) Subject to the provisions of any law made by the Legislature of a State, the conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor of a State shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission by clause (1).

(4) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to, or in connection with, elections to the Panchayats.”

44. The State Election Commission has been established in terms of Section 160 of the Himachal Pradesh Panchayati Raj Act, 1994 (in short ‘PR Act’), following the constitutional mandate in this regard, which reads as under:-

“160. State Election Commission.- (1) There shall be a State Election Commission constituted by the Governor for superintendence, direction and control of the preparation of electoral rolls for, and the conduct of all elections to the Panchayat bodies in the State under this Act and the rules made thereunder. The Commission shall consist of a State Election Commissioner to be appointed by the Governor.

(2) The salary and allowances payable to, tenure of office and conditions of service of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in the like manner and on the like grounds as a judge of the High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) The Governor shall, when so requested by the State Election Commissioner make available to him such staff as may be necessary for the discharge of the functions conferred on him under this Act."

45. The State Election Commission has issued Himachal Pradesh Panchayats and Municipalities Model Code of Conduct, 2020, for conducting Municipal and Panchayat Elections, Clause 2 whereof provides commencement of Model Code of Conduct and Clause 12.1 deals with organizational status quo, which read as under:-

"2. Commencement.- 2.1 This Code shall, unless otherwise directed by the Commission, come in to force and be applicable on and from the date on which the Commission publishes the election programme;

Provided that the Commission may enforce different provisions of this code on different dates.

Provided further that the Commission may enforce this code in different parts of the State on different dates.

2.2 The Code or any of its paragraphs which have become effective and applicable shall continue to be effective and applicable till the election process is completed

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12. Organizational Status Quo:

12.1 "The structural, classification or area of the Panchayats and Municipalities shall not be altered after the issue of Notification by the State Election Commission enforcing this clause, till the election process is over".

46. Despite invoking Clause 12.1 of Model Code of Conduct on 17.11.2025, respondent-State, apart from fresh delimitation in compliance of the judgments passed by the Court, also continued to fresh creation, bifurcation or reorganisation of Panchayats. In this regard, notification re-organising Development Blocks Barsar, District Hamirpur was issued on 28.11.2025.

47. Not only before, but also after passing of judgment by the Apex Court in Civil Appeal No.1607 of 2026, the respondent-State issued various notifications for creation, re-organization or bifurcation of Gram Panchayats and Nagar Panchayats, including notifications dated 18.12.2025 for bifurcation and creation of 6 Gram Panchayats in District Hamirpur (in CWP No.3635 of 2026), 18.02.2026 for bifurcation and creation of 9 Gram Panchayats in District Shimla (in CWP No.3193 of 2026), 18.02.2026 for bifurcation and creation of 13 Gram Panchayats in District Solan (CWP No.3640 of 2026), 28.02.2026 for bifurcation and creation of 5 Gram Panchayats in District Una (in CWP No.3452 of 2026), 10.03.2025 for bifurcation and creation of 22 Gram Panchayats in District Shimla (in CWP No.3547 of 2026). Vide notification dated 18.12.2025, 7 days' time was given for filing objections, in all other notifications only 3 days' time was given to file objections, and thereafter, vide notifications dated 06.03.2025 (CWP No.3635 of 2026), 05.03.2026 (CWP No.3193 of

2026), 12.03.2026 (CWP No.3640 of 2026), 07.03.2026 (CWP No.3452 of 2026) and 14.03.2026 (CWP No.3547 of 2026) either new Gram Panchayats were created or recommended for creation or bifurcation.

48. It is also apt to record that State Election Commission has also issued communication dated 05.03.2026, reiterating that Commission has enforced Clause 12.1 of Mode Code of Conduct vide communication dated 17.11.2025 specifically freezing the boundaries of Panchayati Raj Institutions, but despite that Department has issued notification for creation of certain new Gram Panchayats in various Districts, including Shimla, Solan and Hamirpur on 26/28.02.2026, which were not in existence at the time of issuance of draft delimitation of Zila Parishads Wards, and thereafter, notification for creation of almost 80 new Gram Sabhas have been issued, whereas Department had sought relaxation in Mode Code of Conduct for proposal of creation of 31 Gram Sabhas only, but thereafter several new Gram Sabhas circles have been notified by Department without seeking any relaxation from the Commission, including 80 Gram Sabhas notified vide notification dated 28.02.2026. Communication dated 05.03.2026 reads as under:-

“STATE ELECTION COMMISSION HIMACHAL PRADESH

Armsdale Shimla -171002

Tel, 0177-2620132,2620139,2620154.

E-mall-secysec-hp@nic.in.

No.SEC(F)1-45/2024-6730 Shimla-2

05 March,2026

To

The Secretary (Panchayati Raj) to the
Government of Himachal Pradesh,
Shimla-2.

Subject: Conduct of General Election to Panchayati Raj Institutions
in pursuance to the orders passed by the Hon'ble Supreme
Court of India.

Sir,

As you are aware, the Hon'ble Supreme Court of India, while disposing of SLP No. 5451/2026 on dated 13th February, 2026, has passed an order that State Election Commission, Panchayati Raj Department, Urban Development Department and SDMA together will finalize and shall complete the pending all process as by 31.03.2026 so that the election can be completed before 31st May, 2026.

Accordingly, the Department initially issued a delimitation programme whereby it was directed that delimitation of Panchayats shall be completed by 20th March, 2026 and final reservation order shall be issued on or before 31st March, 2026.

But the department has now issued a notification for creation of certain new Panchayats in District Shimla, Solan and Hamirpur on 26th February, 2026, which are not in draft delimitation of Zila Parishad wards. Thereafter, the Department has once again issued a notification for creation of almost 80 new Gram Sabhas vide its notification dated 28th February, 2026.

It is pointed out that continuous creation/re-organization/bifurcation of Gram Sabhas could lead to violation of guidelines issued by the Hon'ble Supreme Court, because the creation of new Gram Sabha circles will have adverse effect on the delimitation of wards already notified, not only in Panchayats but even Panchayat Samitis and Zila Parishads.

The Commission has also enforced clause 12.1 of Model Code of Conduct vide its notification dated 17th November, 2025 specifically freezing the boundaries of Panchayati Raj Institutions. The Department had sought relaxation in Model Code of Conduct while sending a proposal for creation of 31 Gram Sabhas, but thereafter several new Gram Sabha circles have been notified by the Department without seeking any relaxation from the Commission, including aforementioned 80 Gram Sabhas.

The continuous creation of new Gram Sabhas even after publication of draft proposals of delimitation of wards in bound to create legal complications and lead to violation of the direction of the Hon'ble Supreme Court of India.

Therefore, you are hereby advised to stop creating/re-organizing any new Panchayat/Gram Sabha forthwith and work to ensure that delimitation of all rural local bodies and their reservation roster are finalized and issued by end of March 2026.

Yours faithfully
sd/-

(Surjeet Singh Rathore)
Secretary

State Election Commission
Himachal Pradesh

Endst: SEC(F)1-45/2024-6731-43 Shimla-2 05 March, 2026

Copy to the following for information and necessary compliance:-

1. The Director Panchayati Raj Department, Himachal Pradesh.

2. All the Deputy Commissioners, Himachal Pradesh.

sd/-
Secretary
State Election Commission
Himachal Pradesh"

49. Vide order dated 25th March, 2026, the respondents/State was restrained from acting upon the draft proposals, proposals, draft notifications, final notifications, under challenge in the Court, related to bifurcation, creation or reorganization of Panchayats, which were not pending on or before 13.2.2026, i.e. the date of order passed by the Apex Court, unless permitted in relaxation of Notification dated 17.11.2025 by the H.P. State Election Commission and in such cases, respondents-State was restrained from proceeding further on the basis of said proposals/notifications but act considering the same as not issued ever.

50. During pendency of petitions, State had applied for relaxation from the State Election Commission, whereupon State Election Commission vide communication dated 28th March, 2026, has granted relaxation in Clause 12.1 of Model Code of Conduct in respect of Panchayats detailed in the application for relaxation submitted by the State. Operative part thereof reads as under:-

“.....

However, keeping in view the undertaking given by the Govt. In its letter dated 27.03.2026 that delimitation in these re-organized/newly created Panchayats has been completed and reservation process shall be completed by 31.03.2026 and to ensure that limitation in minimized, the Commission hereby grants relaxation in clause 12.1 of the MCC in respect of Panchayats enclosed as Flag-A and Flag-B subject to the following conditions:-

1. That the Govt. shall ensure that the reservation process in respect of all Panchayats in State shall be completed by 31.3.2026 in pursuance to the orders dated 13.02.2026 of the Hon'ble Supreme Court.
2. That the Govt. should in due course issue a guidelines to the Deputy Commissioners in pursuance to the orders of the Hon'ble Supreme Court passed in SLP (C) No. 26468-26469/2024 titled as Beant Kumar Vs. State of Punjab to initiate the election processes six months prior to the expiry of the term in future and to adhere to the instructions/directions of the Commission related to conduct of Local Bodies elections without exception.
3. The Deputy Commissioners should issue roster of reservation three months before the commencement of election process in pursuance to the orders of Hon'ble High Court passed in CWP No. 5987 of 2020 titled as Manish Dharmaik Vs. State of Himachal Pradesh in future.
4. The Govt. must not disturb the boundaries of Panchayats in future, once the initial re-organization/creation has been notified or clause 12.1 of MCC is enforced by the Commission, unless express relaxation is granted by the Commission before issuing of draft proposal.”
5. No further relaxation in any matter, what so ever, shall be considered by the Commission till the election process is completed.”

51. Learned Advocate General has also claimed that after granting relaxation with respect to proposal relating to bifurcation/re-origination of Gram Panchayats in all cases submitted by the State to the Election Commission vide letter dated 28th March, 2026, the

present petitions deserve to be dismissed.

52. The aforesaid plea of learned Advocate General is misconceived, as Election Commission can relax the provisions of the Model Code of Conduct as permissible under law, but Election Commission has no power to relax the norms and statutory provisions like Election Rules framed under the Panchayati Raj Act in consonance with the mandate of the Constitution. Therefore, relaxation by the Election Commission, is not an exemption from adhering to the procedure prescribed under the Act and Rules framed thereunder.

53. To the objections of the petitioners, that Election Commission was not competent to grant relaxation to the provisions of Clause 12.1 of the Himachal Pradesh Panchayats and Municipalities Model Code of Conduct, 2020, as vide notification dated 17.11.2025, the Election Commissioner had freezed the creation/re-organization/bifurcation/ delimitation of the area of the Gram Panchayats, learned counsel for the Commission has submitted that in view of Section 21 of the H.P. General Clauses Act, Commission is empowered to modify its notifications to facilitate the functioning of the respondents-State. However, he is in agreement that Commission has no power to relax the rules and relaxation by the Commission was given on the basis of undertaking given by the Government in its letter dated 27.3.2026, whereby it was

communicated that delimitation in re-organized newly created Panchayats, in reference, has been completed and reservation process shall be completed by 31st March, 2026 and also to ensure that litigation is minimized.

54. Provisions of H.P. Panchayati Raj Act, 1994 and the H.P. Panchayati Raj (Election) Rules, 1994, relevant for adjudication , are as under:-

(A) Himachal Pradesh Panchayati Raj Act, 1994.

CHAPTER-II

GRAM SABHA

3. Declaration of Sabha area.- (1) The Government may, by notification, declare any village or group of contiguous villages with a population of not less than one thousand and not more than five thousand to constitute one or more Sabha areas for the purposes of this act and also specify its headquarter:

Provided that in a Scheduled area the Government may by order declare any village or group of contiguous villages with a population of less than one thousand to constitute a Sabha area:

Provided further that the Government may, after having due regard of the geographical location, lack of means of transport and communication and administrative convenience, declare an area comprising a village or group of contiguous villages having a population either less than one thousand or more than five thousand to constitute a Sabha area.

(2) The Government may, at the request of the Gram Sabha concerned or otherwise, and after previous publication of a proposal by a notification, at any time,-

(a) increase any Sabha area by including within such Sabha area any village or group of villages; or (b) diminish any Sabha area by excluding from such Sabha area any village or group of villages; or (c) alter the headquarter of any Sabha area; or (d) alter the name of any Sabha area; or (e) declare that any area shall cease to be a Sabha area:

[(2-A) When on account of the reason that the Sabha area is, during the term of the Gram Panchayat, increased or diminished or ceased under subsection (2), the increase or diminution or cessation of the Sabha area shall not affect the term of the office

bearers of Gram Panchayat, till the expiration of the duration of the Gram Panchayat specified in sub-section (1) of section 120 or its dissolution under section 140 of this Act.

(3) If the whole of the Sabha area is included in a municipality, the Sabha area shall cease to exist and its assets and liabilities shall in the manner prescribed be disposed of.

(3-A). Diminution of the Sabha area not to affect the term of certain office bearers.- Notwithstanding anything to the contrary contained in this Act, but subject to the provision of sub-section (2-A) of section 3, when on account of reason that the Sabha area or the portion thereof is included in a municipality or a portion of municipality excluded therefrom is included in a Sabha area, during the term of the office of the office bearers of a Panchayat Samiti or Zila Parishad, such increase or diminution of the Sabha area, shall not affect the term of the office bearers of the Panchayat Samiti or Zila Parishad, till the expiration of its duration specified in sub-section (1) of section 12 of this Act or its dissolution under section 140 of this Act.

.....

124. Territorial Constituencies.- For the convenience of the election and also after every increase or decrease of the Panchayat area, the Deputy Commissioner shall, in accordance with such rules as may be prescribed in this behalf by the State Government-

(a) divide the Panchayat area into as many single member territorial constituencies as the number of members are required to be elected; (b) determine the extent of each territorial constituency; and (c) determine the territorial constituency or constituencies in which seats are reserved under this Act.

(B) Himachal Pradesh Panchayati Raj (Election) Rules, 1994.

CHAPTER II

DELIMITATION OF CONSTITUENCIES OF PANCHAYATS

Rule - 3. Gram Sabha area to be divided into constituencies :-

(1) For the purpose of holding of election of members to a Gram Panchayat the Sabha area shall be divided into constituencies.

(2) The number of constituencies under sub-rule (1) shall be determined in accordance with the provisions of section 8.

Rule - 5. Proposal for delimitation of constituencies and its publication :-

The Deputy Commissioner or any other officer, authorised by him in this behalf shall cause to be published a

proposal for delimitation of constituencies by dividing a Gram Sabha area into constituencies and shall also indicate the territorial limit Codes of each such constituency and shall keep the proposal open for inspection in the office of the Gram Panchayat, Panchayat Samiti within the territorial jurisdiction of which such sabha area falls and by affixing a copy of the same at two conspicuous places within such sabha area for inviting public objections thereon, within 7 days.

Rule - 6. Disposal of objections and final order :-

The Deputy Commissioner, or any other officer authorised by him in this behalf, on receipt of objections, if any, under rule 5 shall inquire into the same and shall consider them within a period of seven days or such a shorter time as may be fixed by the Government and final order of delimitation of constituencies shall be made by him only after recording brief reasons for the acceptance or rejection of the objections.

Rule - 7. Name and number of constituency :-

Rule - 8. Delimitation of constituencies of a Panchayat Samiti :

Rule - 9. Delimitation of constituencies of a Zila Parishad :-

Rule - 10. Appeal :-

Any elector aggrieved by the orders of the Deputy Commissioner may file an appeal to the Divisional Commissioner within a period of 10 days and who, after giving an opportunity of being heard to the appellant shall decide the same within a period of 15 days and communicate his orders thereon to the Deputy Commissioner. The order passed by the Divisional Commissioner shall be final.

Rule - 11. Final publication of delimitation of constituencies :-

(1) The delimitation made under rules 6, 8 and 9 shall be amended in the light of the orders of the Divisional Commissioner, if any, made under rule 10 and the delimitation shall be finalised within a period of 30 days from the date of publication of the proposal in this behalf. A copy of the final orders of the delimitation of

constituencies of the Panchayats shall be affixed on the notice boards of the offices of the Deputy Commissioner, Zila Parishad, Panchayat Samiti, Gram Panchayat and at such other places as the Deputy Commissioner may decide and the copies of the same shall also be sent to the State Election Commission and the State Government.

(2) An elector may obtain a copy of the final delimitation order by making an application to the Deputy Commissioner or to the Secretary of the Zila Parishad, Panchayat Samiti, Gram Panchayat, as the case may be, who shall make available the same to the said elector on payment of rupees five per page or part thereof against cash receipt.”

55. In *Fouziya Imtiaz Shaikh's* case, relied upon by learned Advocate General, vide amendment dated 4.2.2021 carried out by the State of Goa, Section 10(1) of Goa Municipalities Act, 1968 was amended and time frame for issuance of notification for reservation of wards was stated as being at least 7 days before the notification for the scheduled dates and events of the elections. In present case no amendment has been carried out by the State in 7 days time frame provided for inviting objections in Rule 5 of the Election Rules. Therefore, plea of the Advocate General by referring this judgment to justify curtailing the time of 7 days to 3 days, is not sustainable. Plea of Advocate General by referring para 68.4 is also not relevant in present matter as election programme has not been notified yet and as per para 68.8, at this stage this Court can exercise its jurisdiction under Article 226 of the Constitution of India.

56. Recent pronouncement of the Apex Court in ***Kishorchandra Chhhanganlal Rathod vs. Union of India & Ors., (2024) 13 SCC 237***, is relevant to be referred to deal with the objections raised by the respondents, wherein after taking into consideration earlier judgments of the Apex Court titled as ***Dravida Munnetra Kazhagam (DMK) vs. Secretary, Governor's Secretariat & Ors., (2020) 6 SCC 548*** and ***State of Goa and Anr. vs. Fouziya Imtiaz Shaikh & Anr., (2021) 8 SCC 401***, it has been held as under:-

“5. We, however, do not approve the view taken by the High Court that the order of delimitation of constituencies, issued in exercise of statutory powers under the Delimitation Act, is entirely insusceptible to the powers of judicial review exercisable under Article 226 of the Constitution. Although Article 329 undeniably restricts the scope of judicial scrutiny re: validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, it cannot be construed to have imposed for every action of delimitation exercise. If judicial intervention is deemed completely barred, citizens would not have any forum to plead their grievances, leaving them solely at the mercy of the Delimitation Commission. As a constitutional court and guardian of public interest, permitting such a scenario would be contrary to the Court's duties and the principle of separation of powers.

6. This understanding is supported by a three-judge bench decision of this Court in *Dravida Munnetra Kazhagam v. State of T.N.*, (2020) 6 SCC 548, para 14, where the Court was called upon to interpret Articles 243O and 243ZG of the Constitution, which mirror the aforementioned Article 329. Rejecting the contention that these provisions place a complete bar on judicial intervention, it was noted that a constitutional Court can intervene for facilitating the elections or when a case for mala fide or arbitrary exercise of power is made out. Using this, the Court directed delimitation to be conducted for nine new districts. Recently, a three-judge bench of this Court in *State of Goa v. Fouziya Imtiaz Shaikh*, (2021) 8 SCC 401, para 67, affirmed the ratio of the above-cited decision while discussing principles on Article 329(a), and rejected the contention which sought to prove it as per incuriam.

7. Therefore, while the Courts shall always be guided by the settled principles regarding scope, ambit and limitations on the exercise of judicial review in delimitation matters, there is nothing that precludes them to check the validity of orders passed by Delimitation Commission on the touchstone of the Constitution. If

the order is found to be manifestly arbitrary and irreconcilable to the constitutional values, the Court can grant the appropriate remedy to rectify the situation.

8. In order to prove that any kind of judicial intervention is fully prohibited, the respondents relied upon a Constitution Bench decision of this Court in *Meghraj Kothari vs. Delimitation Commission and others*, 1966 SCC Online SC 12. A closer examination of the aforementioned case, however, would show that the Court in that case restricted judicial intervention when the same would unnecessarily delay the election process. This is writ large from the following paragraph, where the Court explicated the reason behind adopting the hands-off approach:

“20. In our view, therefore, the objection to the delimitation of constituencies could only be entertained by the Commission before the date specified. Once the orders made by the Commission under Sections 8 and 9 were published in the Gazette of India and in the Official Gazettes of the States concerned, these matters could no longer be reargued in a court of law. There seems to be very good reason behind such a provision. If the orders made under Sections 8 and 9 were not to be treated as final, the effect would be that any voter, if he so wished, could hold up an election indefinitely by questioning the delimitation of the constituencies from court to court. Section 10(2) of the Act clearly demonstrates the intention of the Legislature that the orders under Sections 8 and 9 published under Section 10(1) were to be treated as law which was not to be questioned in any court.”

[emphasis supplied]

9. Hence, the aforementioned judgement does not support the respondents’ contention regarding complete restriction on judicial review. A constitutional court can undertake the exercise of judicial review within the limited sphere at an appropriate stage.

10. Consequently, the appeal is allowed in part, and para 3 of the impugned judgment—to the extent it held that there is a bar to challenge the order of delimitation of constituencies is set aside. The appellant, if so advised, may approach the High Court keeping in view the subsequent events. However, at present, no ground has been made out to interfere with the exercise of delimitation of constituencies and consequential reservation thereof, which was undertaken in the year 2006.”

57. In para 68.5 of *Fouziya Imtiaz Shaikh’s* judgment (supra), it was held that writ court may interfere in such cases to subserve and facilitate the progress of election.

58. Plea of learned Advocate General that without completing fresh delimitation pending consideration before the State, elections could not be conducted, as it is not sustainable, as the Apex Court in Civil Appeal No. 1607 of 2026 has categorically observed that this High Court was equally right in observing that pendency of delimitation exercise is not a valid ground to delay or stall the elections of local bodies and Panchayats. Reference of **Devinder Singh Negi's** judgment, entitling the respondents-State to carryout delimitation process without adhering to the Rules relevant thereto, is also misconceived, as in para 51 of the judgment in **Dikken Kumar's** case this High Court has already observed that the respondents had also an option to conduct elections on the basis of past delimitation.

59. The respondent/State and its Officers were and are well aware about the time frame prescribed in the Act and Rules for creation, bifurcation or reorganization and de-limitation of Gram Panchayats as also evident from the communication/instructions issued by the concerned Department/Officers time to time including communication dated 18.2.2026 sent by the Panchayati Raj Department to all Deputy Commissioners after judgment passed by the Apex Court on 13th February, 2026. Despite that, respondents/State ventured in creating mess by undertaking creation, bifurcation or re-organization of Gram Panchayats not only in the end of month of February, but also in March, whereas entire process was

to be completed upto determination of Roster by 31st March, 2026. It is also apparent that as per time frame, provided in relevant provisions, well known to the respondents/State and its Officers, it was not possible to finalize the de-limitation, which was required to be completed by the end of February 2026. The State had obtained one month's more time from the Apex Court to determine the Roster after delimitation, but by initiating the process of creation, bifurcation or reorganization on 28.2.2026, and even on 16th March, 2026, such process was not possible to be completed on or before 31st March, 2026 by strictly adhering to the relevant provisions of Act and Rules. On noticing such conduct of respondents/State, this Court, in judgment dated 10th March, 2026, passed in ***CWP No. 1791 of 2026 titled Nehru Yuva Club of Village Manlog-Badog vs. State of HP*** has already observed as under:-

“43. Before parting, it is also apt to record that we fail to understand that when 5 years' term of Panchayati Raj Institutions has already expired and respondents are bound by mandate of the Constitution, reiterated by Courts, including Apex Court, with direction to complete election process latest by 31.05.2026, then why respondents are venturing in large scale reorganization and constitution of Wards/Panchayati Raj Institutions, which has not been done on time. Such commission on the part of State may cause to draw adverse inference about intention. Respondents-State should not undertake such exercise, which may be considered delaying tactic or procrastination, as due to paucity of time, decision taken in haste are leaving lacuna, intentional or unintentional, warranting scope of interference in judicial review.”

60. It is also clarified that after judgment passed in ***Devinder Singh Negi's case and Manish Dharmaik's case*** as well as judgment passed in ***CWPIL No. 115 of 2025 titled Dikken Kumar Thakur and another vs. State of HP***, are not in conflict with each other. But these judgments are to be read harmoniously taking into consideration the nature of issue involved therein and the timing of filing, adjudication and decision of these writ petitions. The directions passed in ***Manish Dharmaik's case*** are absolutely correct and in force which are expected to be abide by the State unless directed or permitted by the Court. However, because of action/inaction on the part of respondents/State which were in conflict with settled law, litigation in ***Devinder Singh Negi's case*** and ***Dikken Kumar Thakur's case*** has resulted passing of appropriate directions in the given facts and circumstances but in these judgments, it has nowhere been directed or held that directions passed in ***Manish Dharmaik's case*** had been diluted or modified. Rather, it is respondent/State, which, on account of their omission or commission from time to time, have caused breach of such directions.

61. Therefore, it is also incorrect to suggest that this Court had ignored the directions issued by Co-ordinate Division Bench of this High Court in ***Manish Dharmaik's case***, as in the judgment passed in ***Devinder Singh Negi's case***, the direction was given to do

the needful as expeditiously as possible, which includes not only the steps for re-delimitation of Zila Parishads wards, but also conducting election on the basis of past delimitation, particularly when the base data of censuses of 2011, which was taken for delimitation previously in the 2020, is also being taken base data in present delimitation. Plea of learned Advocate General with respect to understanding of completion of pending process by 31st March, 2026, claiming entitlement for re-opening or initiate fresh proposals for re-organization/creation/ bifurcation as well as delimitation, also appears to be afterthought, because after passing of judgment by the Apex Court in SLP No. 5451 of 2026 (Civil Appeal No. 1607 of 2026), Government of Himachal Pradesh had, itself, issued communication to all Deputy Commissioners by providing time frame for issuance of proposals of delimitation and finalization thereof, which reads as under:-

“PCH-HA (4)1/2000-Delimitation-6081-22
Government of Himachal Pradesh
Department of Panchayati Raj

To

All the Deputy Commissioners,
in Himachal Pradesh.

Shimla-09 Dated- 18-02-2026

Subjct: SLP (C) No. 5451/2026, The Principal
Secretary & Ors, V. Dikken Kumar Thakur
& Ors. (Supreme Court of India, order dated
13.02.2026)

Madam/Sir,

Please refer to this office letter No. PCH-HA (4)1/2020- Delimitation dated 20-12-2025 on the subject cited above. In Civil Appeal arising out of SIP (C) No 5451/2026, The Principal Secretary & Ors. v. Dikken Kumar Thakur & Ors. (Supreme Court of India, order dated 13.02.2026), the Hon'ble Supreme Court has modified the timeline stipulated in the High Court's judgment dated 09.01.2026 in CWPIIL No. 115 of 2025, Dikken Kumar Thakur & Anr. v. State of Himachal Pradesh & Ors., by directing that the State Election Commission, Panchayati Raj Department, Urban Development Department and SDMA to complete all pending processors by 31.03.2026 (instead of 28.02.2026), and that elections shall thereafter be conducted within eight weeks positively by 31.05.2026, with an express direction that no application for extension of time shall be entertained, In compliance of the order of the Hon'ble Supreme Court, I am to inform you that following time schedule for delimitation and reservation of wards of Zila Parishad, Panchayat Samitis/ Gram Panchayats (wherever not already finalized) may be followed strictly:

Notification of Delimitation proposal	On or before 20-02-2026
Objection period (07 Days)	Upto 27-02-2026
Final publication of delimitation within 2 days	On or before 02-03-2026
Appeal Time (10 days)	Upto 11-03-2026
Period for hearing and deciding the appeal by Divisional Commissioner (7 Days)	7 days from the date of appeal
Final publication of delimitation as per decision of Divisional Commissioner on the appeal, if any.	By 20-03-2026
Final reservation of constituencies	On or before 31.-03-2026

It is clarified that the delimitation pending due to reorganization of Blocks or Gram Panchayats and creation of new Gram Panchayats, should also be completed by 20-03-2026 and the notification of final reservation of constituencies should be issued on or before 31-03-2026 as per provisions of H.P. Panchayati Raj Act, 1994 and rules made thereunder. As per the judgment of the Hon'ble Supreme Court, all statutory processes relating to the Department should invariably be completed by 31-03-2026.

In view of the above, you are requested to notify the delimitation and reservation of PRIs within stipulated time.

Yours faithfully
Sd/-
Director-cum-Special Secretary (PR) to the
Government of Himachal Pradesh.

Endst.No.-6093-6108 Shimla-171009,

Dated 18-02-2026

Copy for information and necessary action:

1. The Divisional Commissioner Shimla, Mandi and Kangra Divisions for information.
2. The Secretary, State Election Commission, H.P.
3. All the District Panchayat Officers in H.P.

Sd/-
Director-cum-Special Secretary (PR)
to the Government of Himachal Pradesh.”

62. Despite aforesaid communication, we fail to understand that for what reason the respondents-State ventured to initiate publication of draft notification by entertaining the cases which were

either dormant or fresh for consideration and were not being considered for creation/bifurcation or re-organization of Gram Panchayats till February, 2026 even before or after passing of judgment dated 9.1.2026 in CWPIIL No. 115 of 2025 as well as passing of judgment dated 13.2.2026 by the Apex Court in Civil Appeal No. 1607 of 2026. The State itself has created a mess and opened pandora box, resulting into filing of numerous petitions, wherein fresh re-organization/creation/bifurcation exercise of Gram Panchayats have been initiated on 28th February, 2026 and thereafter, by inviting objections within 3 days and thereafter finalizing the creation/re-organization/creation of Gram Panchayats in a haste and immediately thereafter issuing notification of draft proposal of delimitation and finalizing the same without adhering to the time frame provided in the Election Rules.

63. Conduct of respondent-State is arbitrary, irrational, unreasonable, violative of Constitutional Mandate and manifestly defeating the object and purpose of Constitutional provisions, institution established and law framed thereunder.

64. Following observation of the Apex Court in ***Bombay Dyeing & Mfg. Co. Ltd. Vs. Bombay Environmental Action Group & Ors., (2006) 3 SCC 434***, are relevant to adjudicate present petition:-

“205. Arbitrariness on the part of the legislature so as to make the legislation violative of Article 14 of the Constitution should ordinarily be manifest arbitrariness. What would be arbitrary exercise of legislative power would depend upon the provisions of the statute vis-à-vis the purpose and object thereof. [See *Sharma Transport v. Government of Andhra Pradesh*, (2002) 2 SCC 188, para 25, *Khoday Distillery v. State of Karnataka*, (1996) 10 SCC 304 and *Otis Elevator Employees' Union S. Reg. and Others v. Union of India*, (2003) 12 SCC 68, para 17].

.....

207. In *Secy., Ministry of Chemical & Fertilizers vs. Cipla Ltd.*, (2003) 7 SCC 1, this Court in relation to a legislation while interpreting the statutory provisions on the touchstone of Article 14 of the Constitution of India, was of the opinion: (SCC p. 9, para 4.1)

“[T]he Government exercising its delegated legislative power should make a real and earnest attempt to apply the criteria laid down by itself. The delegated legislation that follows the policy formulation should be broadly and substantially in conformity with that policy, otherwise it would be vulnerable to attack on the ground of arbitrariness resulting in violation of Article 14.”

It was further opined: (SCC p.10, para 4.3)

“Broadly, the subordinate law-making authority is guided by the policy and objectives of the primary legislation disclosed by the preamble and other provisions. The delegated legislation need not be modelled on a set pattern or prefixed guidelines. However, where the delegate goes a step further, draws up and announces a rational policy in keeping with the purposes of the enabling legislation and even lays down specific criteria to promote the policy, the criteria so evolved become the guideposts for its legislative action. In that sense, its freedom of classification will be regulated by the self-evolved criteria and there should be demonstrable justification for deviating therefrom.”

65. Observation of the Apex Court in ***Andhra Pradesh Dairy Development Corporation Federation vs. B. Nrasimha Reddy and Others*, (2011) 9 SCC 286**, are also relevant to refer, which reads as under: -

“29. It is a settled legal proposition that Article 14 of the Constitution strikes at arbitrariness because an action that is arbitrary, must necessarily involve negation of equality. This

doctrine of arbitrariness is not restricted only to executive actions, but also applies to legislature. Thus, a party has to satisfy that the action was reasonable, not done in unreasonable manner or capriciously or at pleasure without adequate determining principle, rational, and has been done according to reason or judgment, and certainly does not depend on the will alone. However, the action of legislature, violative of Article 14 of the Constitution, should ordinarily be manifestly arbitrary. There must be a case of substantive unreasonableness in the statute itself for declaring the act ultra vires of Article 14 of the Constitution. [Vide: *Ajay Hasia etc. v. Khalid Mujib Sehravardi*, (1981) 1 SCC 722; *Reliance Airport Developers (P) Ltd. v. Airports Authority of India*, (2006) 10 SCC 1; *Bidhannagar (Salt Lake) Welfare Assn. v. Central Valuation Board*, (2007) 6 SCC 668; *Grand Kakatiya Sheraton Hotel and Towers Employees and Workers Union v. Srinivasa Resorts Ltd.*, (2009) 5 SCC 342; and *State of TN & Ors. v. K. Shyam Sunder*, (2011) 8 SCC 737].”

66. In **Shayara Bano vs. Union of India & Ors., (2017) 9 SCC 1**, the Apex Court has observed that arbitrariness doctrine contained in Article 14 of the Constitution would apply to negate Legislation and Subordinate Legislation with following further observations:-

“95. On a reading of this judgment in *Natural Resources Allocation, In re, Special Reference No.1 of 2012*, (2012) 10 SCC 1, it is clear that this Court did not read, *State of A.P. vs. McDowell and Co.*, (1996) 3 SCC 709, as being an authority for the proposition that legislation can never be struck down as being arbitrary. Indeed the Court, after referring to all the earlier judgments, and *Ajay Hasia vs. Khalid Mujib Sehravardi*, (1981) 1 SCC 722, in particular, which stated that legislation can be struck down on the ground that it is “arbitrary” under Article 14, went on to conclude that “arbitrariness” when applied to legislation cannot be used loosely. Instead, it broad based the test, stating that if a constitutional infirmity is found, Article 14 will interdict such infirmity. And a constitutional infirmity is found in Article 14 itself whenever legislation is “manifestly arbitrary” i.e. when it is not fair, not reasonable, discriminatory, not transparent, capricious, biased, with favoritism or nepotism and not in pursuit of promotion of healthy competition and equitable treatment. Positively speaking, it should conform to norms which are rational, informed with reason and guided by public interest, etc.

96. Another Constitution Bench decision reported as *Dr. Subramanian Swamy v. Director, Central Bureau of Investigation*,

(2014) 8 SCC 682, dealt with a challenge to Section 6-A of the Delhi Special Police Establishment Act, 1946. This Section was ultimately struck down as being discriminatory and hence violative of Article 14. A specific reference had been made to the Constitution Bench by the reference order in *Dr. Subramanian Swamy v. Director, Central Bureau of Investigation*, (2005) 2 SCC 317, and after referring to several judgments including *Ajay Hasia vs. Khalid Mujib Sehravardi*, (1981) 1 SCC 722, *Mardia Chemicals Ltd. vs. Union of India*, (2004) 4 SCC 311, *Malpe Vishwanath Acharya vs. State of Maharashtra*, (1998) 2 SCC 1 and *State of A.P. vs. McDowell and Co.*, (1996) 3 SCC 709, the reference *inter alia* was as to whether arbitrariness and unreasonableness, being facets of Article 14, are or are not available as grounds to invalidate a legislation.

97. After referring to the submissions of counsel, and several judgments on the discrimination aspect of Article 14, this Court held: [*Dr. Subramanian Swamy v. Director, Central Bureau of Investigation*, (2014) 8 SCC 682, pp. 721-22, paras 48-49]

“48. In *E.P. Royappa* [*E.P. Royappa v. State of T.N.*, (1974) 4 SCC 3, it has been held by this Court that the basic principle which informs both Articles 14 and 16 are equality and inhibition against discrimination. This Court observed in para 85 as under: (SCC p. 38)

“85. ... From a positivistic point of view, equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14, and if it affects any matter relating to public employment, it is also violative of Article 16. Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment.”

Court's approach

49. Where there is challenge to the constitutional validity of a law enacted by the legislature, the Court must keep in view that there is always a presumption of constitutionality of an enactment, and a clear transgression of constitutional principles must be shown. The fundamental nature and importance of the legislative process needs to be recognised by the Court and due regard and deference must be accorded to the legislative process. Where the legislation is sought to be challenged as being unconstitutional and violative of Article 14 of the Constitution, the Court must remind itself to the principles relating to the applicability of Article 14 in relation to invalidation of legislation. The two dimensions of Article 14 in its application to legislation and rendering legislation invalid are now well recognised and these are: (i) discrimination, based on

an impermissible or invalid classification, and (ii) excessive delegation of powers; conferment of uncanalised and unguided powers on the executive, whether in the form of delegated legislation or by way of conferment of authority to pass administrative orders—if such conferment is without any guidance, control or checks, it is violative of Article 14 of the Constitution. The Court also needs to be mindful that a legislation does not become unconstitutional merely because there is another view or because another method may be considered to be as good or even more effective, like any issue of social, or even economic policy. It is well settled that the courts do not substitute their views on what the policy is.”

67. Election Rule 5 provides a valuable democratic right to file objections within 7 days by providing that Deputy Commissioner or any other Officer authorized by him on this behalf ‘**shall**’ cause to publish a proposal of delimitation of the consequences by inviting public objections thereon within 7 days.

68. Rule 6 of the Election Rules provides 7 days further time for deciding objections and the said decision on objections is appealable under Rule 10 of Election Rules within a period of 10 days after the decision with further provision to decide the appeal within 15 days after giving opportunity of hearing to the appellant and to communicate the order to the Deputy Commissioner. At the time of initiation of process for bifurcation/creation and re-organization on 28th February, 2026 or thereafter in March, 2026 like in present cases, it was very much clear that the entire process cannot be completed within the time frame provided under the Act as well as Election Rules.

69. No doubt, there is no time frame provided under Section 3 of PR Act for inviting objections, however the word used in Section 3(2) of PR Act that there shall be previous publication of proposal of creation/bifurcation/re-organization of Gram Sabhas, has inherent mandate that such proposal shall be notified by previous publication of such notification and such exercise is not to be necessarily undertaken at the time of elections only, but must be taken sufficient months before commencement of election process, as under Section 3(3)(3-A) of the PR Act safeguard has been provided to the period of term of the office bearers of the Gram Panchayats, irrespective of creation/bifurcation/re-organization of Gram Sabha area. Previous publication has to be notified in the Gram Sabha area and made known to the residents of that area by giving sufficient time to respond.

70. For completing the delimitation, Election Rules as discussed supra mandates 7 days clear notice for inviting objections and even if it is considered that objections can be decided by the Deputy Commissioner on the very first day, than 8 days will be consumed in this process and thereafter there is 10 days limitation period for filing an appeal before the Divisional Commissioner and even if it is presumed that appeal may be decided by the Divisional Commissioner on the very first day after filing on last date of limitation period, than also 11 days further time is required for completing the

process before Divisional Commissioner and in such a manner at least 19 days were and are required for completing the delimitation of consequences of Panchayats after publication of draft notification of delimitation and the said exercise in the given facts and circumstances of present cases was never possible. Therefore, act of the respondents-State venturing into creation/bifurcation/re-organization of Gram Panchayats by initiating the process on 28th February, 2026 or thereafter was and is unwarranted and contrary to the mandate of law, which may amount to defeat the object and purpose of mandate of law as well as Courts. It is not a case like Goa Municipality Act that an amendment has been carried out by the State by changing the time limit provided in Rule 5 of the Election Rules. The Rules have been framed by exercising the powers provided under the Panchayati Raj Act, which is Statute enacted by the State Legislature in sequel to mandate of the Constitution.

71. The Officers of the State cannot dilute such mandate without resorting to lawful means for modification thereof, therefore, it is not a statutory irregularity, but a glaring illegality, where time frame provided for filing objections have been curtailed and final delimitation has been either issued or proposed to be issued without providing right to the electors to file an appeal against the decision of Deputy Commissioner. Rather the residents have been deprived from filing objections, if any, by providing a short period of 3 days, whereas in

some cases the notification had reached in the area after expiry of 3 days. Thus notifications, notifying the final delimitation are not sustainable and accordingly quashed and set aside and respondents are directed to complete the exercise of notifying the roster on or before 7th April, 2026, as agreed, and thereafter to ensure completion of election process within the time granted by the Apex Court latest by 31.05.2026.

72. Keeping in view the peculiar facts and circumstances, particularly the fact that elections of Panchayati Raj Institutions could not be held before expiry of term of such Institutions and are being held under mandate of the Apex Court, undertaking of exercise by the respondents-State initiating process for creation/re-organization or bifurcation of Gram Panchayats, at this stage, was and is completely unwarranted.

73. We have set aside the delimitation of Gram Panchayats in present petitions with reference to the procedure prescribed under PR Act and Rules framed thereunder and we have not decided the objections raised in these petitions on factual matrix.

74. Therefore, these petitions are disposed of with following observations and directions, which are required to be completed immediately in present petitions as well as in future in rem:-

1. There are two steps provided in the H.P. Panchayati Raj Act and Rules, 1994 (in short 'The Act')

framed thereunder regarding creation, bifurcation and de-limitation of the Panchayats. First steps is creation, reorganization and bifurcation of the Gram Panchayats by the Government as provided in Section 3 of the Act. After the said exercise, second step, which has to be taken by the concerned Deputy Commissioner as provided under Section 124 of the Act, is to undertake exercise of de-limitation of Territorial Constituencies as prescribed in the The Himachal Pradesh Panchayati Raj (Election) Rules, 1994 (in short "H.P. Elections Rules").

2. For purpose of delimitation, procedure prescribed in Chapter II of the H.P. Elections Rules under Rules 3 to 11 has to be followed wherein Rule 5 provides 7 days' mandatory notice after publication of proposal of de-limitation and Rule 6 provides 7 days' time to the Deputy Commissioner for disposal of objections and final order. Rule 10 provides 10 days' limitation period time for filing appeal before the Divisional Commissioner against the order of Deputy Commissioner and said appeal has to be decided within 15 days thereafter, but after giving opportunity of hearing to the appellant. After completion of this process, final publication of determination of Constituencies has to be made under Rule 11.

3. When Statute and Rule(s) prescribe the procedure for carrying out the creation, bifurcation, reorganization and resultant de-limitation of Territorial Constituencies in the Gram Panchayats, the same is bound to be strictly adhered to, during such exercise. Any act must be undertaken in a manner as provided in Statute and Rules. The word 'shall' used in Rules depicts mandatory nature of aforesaid provisions, indicating the Legislative Intent and Object of the Statute and Rules framed thereunder.

4. The word “pending proceedings” mentioned in judgment dated 13.02.2026 passed by the Apex Court in Civil Appeal No.1607 of 2026 titled ‘*The Principal Secretary & Ors. vs. Dikken Kumar Thakur & Ors.*’, denotes those proceedings/cases in which at least proposal for creation, bifurcation and re-organization has been notified, prior to passing of such judgment, but does not include the cases in which such proposal was notified, after passing of said judgment that too on the basis of request lying dormant since last more than six months or more.

5. Grant of relaxation with respect to imposition of Clause 12.1 of Himachal Pradesh Panchayats and Municipalities Model Code of Conduct, 2020 by the State Election Commission does not mean relaxation in mandatory provisions of the Act enacted and Rules framed thereunder, in exercise of powers in furtherance of mandate of Constitution.

6. Respondents are bound to follow the provisions of all relevant Rules related to creation, bifurcation, reorganization and de-limitation of Gram Panchayats and Territorial Constituencies related thereto, including the time-frame provided for notifying and deciding the objections and to prefer appeals against such decision.

7. De-limitation of Panchayats completed without adhering to provisions of Chapter II of The Himachal Pradesh Panchayati Raj (Election) Rules, 1994 (in short “H.P. Elections Rules”) dealing with De-limitation of Constituencies of Panchayats, especially Rule 5, 6, 10 and 11, are patently illegal and thus, the said de-limitation is not valid for consideration to determine the Territorial Constituencies as well as Roster related thereto.

8. In these cases Proposal/Draft for creation, bifurcation, reorganization and de-limitation of Gram Panchayat has been notified after 13.02.2026 and de-limitation has been completed thereafter without

adherence of provisions of Acts and Rules, therefore such creation, bifurcation, re-organization and de-limitation shall not be made basis for determination of de-limitation of Territorial Constituencies in the concerned Gram Panchayats, at all levels and thus, for the purpose of conducting recent elections, including determination of Territorial Constituencies as well as Roster, the same shall not to be taken into consideration and elections shall be conducted in these Panchayats ignoring the creation, bifurcation or reorganization and de-limitation carried out de hors of provisions of Act and Rules but on the basis of status of the Panchayats and de-limitation of Territorial Constituencies thereof as existing prior to such creation or reorganization, bifurcation and de-limitation during past elections.

9. Where proposal for creation, bifurcation and reorganization has been notified prior to 13.02.2026 and de-limitation has been completed by strictly adhering to the H.P. Election Rules related thereto including time frame especially Rules 5, 6, 10 and 11 of the Election Rules, such creation, bifurcation, reorganization and de-limitation thereof, shall only be taken into consideration for determining the Roster and conducting recent elections, as per the provisions in force.

10. Where reorganization, creation and bifurcation is valid, but for de-limitation procedure prescribed under H.P. Election Rules has not been followed, the elections shall not be conducted on that basis, but shall be conducted without taking into consideration the said creation, bifurcation and reorganization, and such creation, bifurcation and reorganization though subject to final outcome of litigation if any, shall be effective for next elections.

11. As agreed respondent/State is directed to finalize the Roster accordingly and publish the same, latest by **7th April, 2026** and thereafter, respondents shall ensure completion of entire election process within time-frame granted in judgment dated 13.02.2026 of the Apex

Court in Civil Appeal No.1607 of 2026 titled '*The Principal Secretary & Ors. vs. Dikken Kumar Thakur & Ors.*', referred supra.

12. Keeping in view the urgency and peculiar circumstances, prevailing right now, we have not decided other issues related to validity of creation, bifurcation, reorganization and de-limitation of the Gram Panchayats raised in these petitions, the same are left open to be decided in appropriate proceedings, including fresh petition, if so preferred by petitioners within reasonable period.

13. It has been noticed that every time, exercise of creation, bifurcation or reorganization is undertaken at the fag end of tenure of Panchayati Raj Institutions leading to delay in de-limitation of Territorial Constituencies of Panchayats and resultantly, causing delay in determination of Roster, leaving short and sometime no time for aggrieved persons to avail appropriate remedy for redressal of their grievances and also, to verify and adjudicate the veracity of such grievances. Therefore, it is directed that creation, bifurcation or reorganization of Gram Panchayats shall be initiated well in time, but not after nine months prior to expiry of tenure of Panchayati Raj Institutions and in all eventualities, creation, bifurcation or reorganization of Gram Panchayats must be completed before six months prior to expiry of Panchayati Raj Institutions, so that during next two months, i.e. between 6 and 4 months prior to expiry of tenure, de-limitation as well as determination of Roster is completed in all respects by following the procedure prescribed under Panchayati Raj Act and Rules framed thereunder, including the time frame provided under Chapter II of H.P. Panchayati Raj (Election) Rules, 1994.

14. The creation, bifurcation or reorganization undertaken after six months prior to expiry of tenure shall not be considered for conducting elections and reservation of roster and election in those areas shall be

completed on the basis of status of area existing prior to such creation, bifurcation or reorganization according to de-limitation in previous elections and roster for such Territorial Constituencies shall also be determined accordingly.

15. In cases of re-organization/separation/creation of Gram Panchayats/Blocks etc., reservation of offices therein should be allocated afresh based upon the 'changed' population structure in accordance with relevant provisions of applicable Statute and the Rules. However, while applying the Election Reservation Roster, proper care should be taken so that reservation roster gets rotated to the maximum extent possible;

16. In future, the notification reserving offices in the Gram Panchayats/Blocks in the State for various categories in elections to Panchayati Raj Institutions is published and placed in public domain on the website of State Election Commission at least three months prior to the commencement of election process to enable timely adjudication of disputes pertaining to application/rotation of election reservation roster. All consequent steps in furtherance of same be also taken accordingly."

75. The petitions are disposed of in aforesaid terms, so also pending application(s) if any.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge.

31st March, 2026
(MS/Keshav/Pardeep)