



2026:HHC:9850

Mahila Mandal and Ors. Vs. State of H.P. and Ors

CWP No.3686 of 2026

25.03.2026 Present: Mr. Arjun Lall and Mr. Aakash Thakur,
Advocates for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. Rajat Chaudhary, Assistant Advocate General for respondents No. 1 to 5.

Mr. Surender Sharma, Advocate, for respondent No.6.

CWP No.3686/2026 & CMP No. 5363/2026

Notice. Mr. Rajat Chaudhary, learned Assistant Advocate General and Mr. Surender Sharma, learned counsel appear and waive service of notice on behalf of the respective respondents.

2 Heard.

3. Respondent No.6-State Election Commission enforced Clause 12.1 of the Model Code of Conduct vide notification dated 17.11.2025, specifically freezing the boundaries of Panchayat Raj Institutions. Clause 12.1 provides as under:-

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



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Hon'ble Apex Court while deciding *SLP No. 5451 of 2026 (Principal Secretary and Ors. Vs. Dikken Kumar Thakur and Ors)* on 13.02.2026, ordered the respondents to finalize and complete all pending processes by 31.03.2026 so that elections can be completed by 31.05.2026.

Pursuant to above, respondent No.6 issued a delimitation programme, directing completion of delimitation of the Panchayats by 20.03.2026 and issuance of final reservation order by 31.03.2026. In spite of this, respondent-Panchayati Raj Department issued a notification on 26.02.2026 for creation of certain new Panchayats in Districts Shimla, Solan and Hamirpur, which were not part of the draft delimitation of Zila Parishad Wards. The Department once again issued a notification on 28.02.2026 for creation of about 80 new Gram Sabhas.

Keeping above in view, the respondent-State Election Commission issued an office letter on 05.03.2026 to the respondents-State to the effect that:-

- Continuous creation/ reorganization/ bifurcation of Gram Sabhas would lead to violation of



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guidelines issued by the Hon'ble Apex Court.

- Continuous creation/ reorganization/ bifurcation of Gram Sabhas will have adverse effect on the delimitation of already notified wards not only in Panchayats, but even Panchayat Samities and Zila Parishads.
- Continuous creation of new Gram Sabhas even after publication of draft proposals of delimitation wards will create legal complications and would lead to violation of directions issued by Hon'ble Apex Court.

The State Election Commission accordingly advised the respondent-State to stop creating/ reorganizing any new Panchayat/Gram Sabha forthwith to ensure that delimitation of all rural local bodies and their reservation rosters are finalized by 31.03.2026.

4. Petitioners are with the grievance that despite above observations of respondent No.6, that were, inter alia, based upon decision rendered by Hon'ble Apex Court, the respondent-Department is still creating new Gram Panchayats/Gram Sabhas.



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Petitioners' grievance stems from notification issued by respondent-Panchayati Raj Department on 28.02.2026. As per this notification, village Fangyar, to which petitioners belong, falling under Gram Sabha Naun in Development Block Gohar, District Mandi, was proposed to be taken out from Gram Sabha Naun, to be merged with proposed new Gram Sabha by the name of Kot. It is the contention of the petitioners that the notification dated 28.02.2026 though professed to invite objections/ suggestions against the proposal of removal of petitioners' village from Gram Sabha Naun and for its merger with new Gram Sabha Kot, however, the aforesaid notification was neither published nor advertised nor was brought to the notice of the villagers including petitioners under any form of established procedure. Therefore, they were deprived from filing objections to the proposal. A contention was raised, which on perusal of the documents on record, prima facie, appears to be correct that notification dated 28.02.2026 was actually received by the Block Development Officer and District Panchayat Officer on 05.03.2026, whereas the final notification qua the



same proposal was issued on 09.03.2026. Petitioners' contentions that they were deprived from making objections, cannot be brushed aside at this stage.

4. At this stage, learned counsel for respondent No.6. placed on record instructions dated 24.03.2026 from respondent No.6 on the subject of 'Creation /re-organization of Gram Sabha Circles in the respondent-State'. Relevant portion of which reads as under:-

"3. That a proposal was received on 20-01-2026 from the Department of Panchayati Raj with regard to relaxation of clause 12.1 of Model Code of Conduct for creation of 31 Gram Sabhas/Gram Panchayats and reorganization of certain Gram Sabhas/Gram Panchayats (Copy enclosed). That the Commission after considering the facts that the Hon'ble High Court in CWPIIL 115/2026 has directed that all processes be completed by 28-02-2026, acceded to the request of the Department with regard to creation of 31 Gram Sabhas/Gram Panchayats vide its advice dated 21-01-2026 (copy enclosed) with the following riders:-

- (i) The delimitation and reservation of all Gram Panchayats involved in re-organization/bifurcation/creation must be completed by 28" February, 2026 in pursuance to the order of Hon'ble High Court in CWPIIL No. 115/2025.*
- ii) The delimitation and reservation of affected Panchayat Samiti/Zila Parishad wards consequent to the said exercise must also be undertaken simultaneously and completed by 28th February, 2026. However, the timeline of 28th February, 2026 for completion of all processes has been further*



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revised to 31st March, 2026 by the Hon'ble Apex Court in SLP No. 5451/2026 titled as Principal Secretary & ORS vs Dikken Kumar Thakur & ORS."

Learned counsel for the parties are *ad idem* that the Gram Panchayat/Sabha Naun with respect to which this petition pertains to, does not fall in the list qua which permission was sought by respondents No. 1 to 5 and recommended by respondent No.6 for its re-organization/creation/ bifurcation.

In view of above, case for grant of interim relief is made out. Accordingly, it is ordered that Notification dated 09.03.2026 (Annexure P-5) shall remain stayed qua Gram Sabha 'Naun' till the next date.

Reply be filed by the next date.

List on **31.03.2026**.

CMP No.5368 of 2026

The application is disposed of with direction to the applicant to file translated copies of the documents in issue before the next date of hearing.

Jyotsna Rewal Dua
Judge

March 25, 2026
(R.Atal)