

OFFICE OF THE DEPUTY COMMISSIONER KULLU, DISTRICT KULLU

No. DC/KLU/LFA/F-89/2018-8/6-24

Dated: 13-12-2022

OFFICE ORDER

WHEREAS, the Department of Urban Development, Govt. of HP vide Notification number UD-A(1)-2/2014 dated 28.10.2020 declared the constitution of Nagar Panchayat, Nirmand, which consisted area measuring 329263 square meter of Mohal Nirmand Gram Panchayat Nirmand, area measuring 33169 square meter of Mohal Nirmand Gram Panchayat Bahawa respectively, falling in Development Block Nirmand, Tehsil Nirmand, Distt. Kullu.

WHEREAS, the Principal Secretary, Urban Development, Govt. of HP, vide letter number UD-A(1)-4/2021 dated 15th May, 2021 has conveyed the approval of the Govt. of HP to transfer the assets and liabilities of Rural Development and Panchayati Raj Department pertaining to merged Gram Panchayats to newly constituted Nagar Panchayat, Nirmand, District Kullu.

AND WHEREAS, section 57 of HP Municipal Corporation Act, 1994 provides vesting of properties in Municipalities as per detailed procedure described in this section. Further under section 57 (3), the Municipality shall maintain a register and a map of all immovable properties of which it is the proprietor, or which vest in it, or which it holds interest of the State Govt. This issue/matter has also well clarified by the Hon'ble High Court of Himachal Pradesh in judgment passed on dated 7th day of September 2021, in CWP No. 3480/2021 titled as Gram Panchayat Sirinagar V/s State of H.P. & Ors and especially described in para-13 of the said judgment which is as under:-

“Thus, in the given facts of the case, petitioner does not have any right to challenge the transfer of immovable assets held by it in favour of Nagar Panchayat, Kandaghat.”

Further, the Hon'ble High Court in the same matter in para-18 has held the following:-

“As regards the action of respondents in ordering the transfer of moveable assets of petitioner to Nagar Panchayat Kandaghat, it is held that no such power is vested in respondents. Law does not authorize such transfer and thus

the action of respondents to that extent is held to be bad in law.”

AND WHEREAS, in view of the report received from Secretary, Nagar Panchayat Nirmand, following is the list of various immovable assets pertaining the feeder Gram Panchayat, under the Jurisdiction of newly constituted Nagar Panchayat:-

Sr. No.	Item	Name of property	Owner ship before constitution of Nagar Panchayat Nirmand	Current ward No
1.	Shops	shops 3 Nos. near BDO office	Gram Panchyat Nirmand	Ward No. 7
2.	Shops	2 Nos. in Gram Panchayat Building at Nirmand	Gram Panchayat Nirmand	Ward No. 3
3.	Mini Market shops	13 No. temporary sheds	Gram Panchayat Nirmand	Ward No. 2
4.	Shops	2 Nos. shop near boundary of ward No. 3 & 4.	Gram Panchayat Nirmand	Ward No. 3
5.	Nagrik Mnach with Mela Ground	1 No. Manch with Ram Leela Ground.	Gram Panchayat Nirmand	Ward No. 4
6.	Ambedkar Bhawan	1 No. Ambedkar Bhawan near Ambika Mata Temple	Gram Panchayt Nirmand	Ward No. 6
7.	Stadium/Sports complex	1 No. stadium with Ground	Gram Panchayat Nirmand	Ward No. 3
8.	RCC Structure	1 No. RCC Structure near Ambika Mata Temple in Ward No. 6	Gram Panchayat Nirmand	Ward No. 6
9.	Mahila Mandal Bhawan	1 No. Mahila Mandal Bhawan near Chandi Mata mandir in Ward No. 2	Gram Panchayat Nirmand	Ward No. 2
10.	Gram Panchayat Office Building	1 No. 2 storied Gram Panchayat Building in Ward No. 3 at Nirmand	Gram Panchayat Nirmand	Ward No. 3

In view of the above, I, Ashutosh Garg, IAS, Deputy Commissioner, Kullu, consequent to the approval of Govt. of HP hereby order to transfer all the above mentioned immovable assets and corresponding liabilities (if any) of Rural

Development and Panchayati Raj Department previously owned/held by Gram Panchayat Nirmand of Development Nirmand, Tehsil Nirmand, District Kullu, HP in favour of Urban Development Department, HP w.e.f. the date of Notification for constitution of Nagar Panchayat, Nirmand i.e. 28.10.2020.

It is further ordered that the Secretary, Nagar Panchayat Nirmand, will take over the possession of all immovable assets and liabilities from the erstwhile Gram Panchayat Nirmand and shall maintain a register of all such properties as envisaged under section 57 of Act ibid.


(Ashutosh Garg, IAS)
Deputy Commissioner, Kullu.
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Ph : 01902-222227
Dated:

Endst. As above

Copy forwarded to :-

1. The Principal Secretary, Urban Development, Govt. of HP, Shimla for information please.
2. The Secretary, Rural Development and Panchayati Raj Department, Govt. of HP, Shimla, alongwith copy of letter no. UD-(A)(4)-5/98-30566-67, dated 17 September 2020 received from the Director, UD for information and necessary action please.
3. The Director, Rural Development and Panchayati Raj Department, Govt. of HP, Shimla, alongwith copy of letter no. UD-(A)(4)-5/98-30566-67, dated 17 September 2020 received from the Director, UD for information and necessary action please.
4. The Director, Urban Development Department, Govt. of HP, Shimla for information please.
5. The Sub Divisional Officer (C), Nirmand District Kullu for information.
6. The District Panchayat Officer, Kullu, District Kullu, for information.
7. The Block Development Officer, Nirmand, District Kullu, alongwith copy of letter no. UD-(A)(4)-5/98-30566-67, dated 17 September 2020 received from the Director, UD for information please.
8. The Tehsildar Nirmand, Distt. Kullu for information.
9. The Secretary, Nagar Panchayat Nirmand, District Kullu.


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