



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMB 745 / 2025 <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Subhash Upadhyay, J.</u> Mr. Abhijay Negi, Advocate, for the petitioner. Mr. Gajendra Tripathi, Standing Counsel, for the State. Mr. Sanjay Bhatt, Advocate, for the respondent no. 2. (2) Petitioner contested election for the Gram Pradhan, Gram Sabha Kund, Patti Dasjula, Dhanaulti, District Tehri Garhwal, but she lost to Pyarelal Nautiyal (respondent no. 6). In this writ petition, petitioner has challenged the final result of the election, which was declared on 31.7.2025. It is alleged that since both petitioner and respondent no. 6 secured 125 votes each, therefore, there was a tie and the tie was broken by the concerned SDM in violation of applicable rules. It is further alleged that the tie was artificially created and, in fact, petitioner had won the election by one vote, however she was declared unsuccessful. In this writ petition, petitioner has sought the following reliefs: <i>"i. Issue a writ, order or direction in the nature of Certiorari, to quash the final result of the election, declared vide Office Memorandum dated 31.07.2025. (Annexure-07)</i> <i>ii. Issue a writ, order or direction in the nature of Mandamus, Directing the State Election Commission to setup enquiry into the actions of the Sub Divisional Magistrate and the Returning Officer (Respondent No. 03 and 04 respectively).</i> <i>iii. Issue a writ, order or direction in the nature of Mandamus, directing the Respondent No. 03 and 04 to furnish this Hon'ble Court the envelope of the eleven (11) votes declared as invalid for the perusal of this Hon'ble Court;</i> <i>iv. Issue a writ, order or direction in the nature of Mandamus, directing the Respondent No. 03 and 04 to clearly disclose the video footage and provide clarification of the entire process of the lottery system along with all the necessary photos and video clips of the said process,</i>



		<i>pursuant to the representation dated 01.08.2025 authored by the Petitioner (Annexure-08);</i> <i>v. In the alternative, issue a writ, order or direction in the nature of Mandamus, to the Respondent State Election Commission to assign a competent presiding officer/election tribunal for the hearing of the present election dispute, if this Hon'ble Court deems it fit to do so.</i> <i>vi. Issue a writ, order or direction in the nature of Mandamus, directing the Respondent State Election Commission to issue guidelines in compliance with the decision of this Hon'ble High Court in paragraph 118 (13) of Vipul Jain vs State of Uttarakhand 2019 SCC OnLine Utt 1024, (Annexure-13) especially directing to device a redressal mechanism for voters to approach with objections where the election officers (ROs or AROs) are themselves suspect of electoral malpractices;"</i> (3) Mr. Sanjay Bhatt submits that petitioner has remedy of filing election petition under Section 131-H of Uttarakhand Panchayati Raj Act, 2016. Mr. Abhijay Negi, learned Counsel appearing for the petitioner, concedes that petitioner has remedy of election petition. He further submits that since SDM (respondent no. 3) had broken the tie and the election petition would have gone before the same SDM, therefore, petitioner approached this Court by filing the present writ petition. He, however, submits that SDM concerned is now transferred and some new incumbent has taken over as SDM, Dhanaulti, therefore petitioner may now be permitted to approach the appropriate forum by preferring the election petition under Section 131-H of Uttarakhand Panchayati Raj Act, 2016. (4) We, therefore, dispose of the writ petition with liberty to petitioner to file election petition. Election petition, if filed within ten days from today, shall be heard and decided, as per law, on merits. (Subhash Upadhyay, J.) (Manoj Kumar Tiwari, J.) 23.12.2025 Pr PRABODH KUMAR
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