

**246 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

CR-3510-2015

Date of decision: July 16, 2015

Devinder Singh

.....Petitioner

Versus

Sub Divisional Magistrate & another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sarju Puri, Advocate,
for the petitioner.

Mr.K.S. Dadwal, Advocate,
for the respondents.

SABINA, J

Petitioner has filed this petition challenging the order dated 17.04.2015, whereby recounting of the votes was ordered by the Election Tribunal.

Learned counsel for the petitioner has submitted that the impugned order was a non-speaking order. The Election Tribunal instead of deciding the election petition on merits has ordered recounting of votes.

Learned counsel for respondent No.2 has submitted that the Election Tribunal was only required to prima facie see as to whether recounting of the votes was essential in the facts of the case or not.

Petitioner and respondent No.2 had contested election for the post of Sarpanch of Village Lohat. Petitioner was declared as an elected candidate. Respondent No.2 filed Election Petition

before the Election Tribunal challenging the election of the petitioner to the post of Sarpanch of Village Lohat.

During the course of arguments it has transpired that both the parties have led their evidence in support of their respective pleas. The Tribunal instead of disposing of the Election Petition on merits passed the impugned order dated 17.04.2015 for recounting of votes. A perusal of the impugned order reveals that the same is a non-speaking order. The Tribunal has not given any reasons as to why it had come to the conclusion that recounting of votes was liable to be conducted with regard to the election to the post of Sarpanch of Village Lohat held on 03.07.2013. In view of the facts and circumstances of the case, the impugned order is liable to be set aside.

Accordingly, this petition is allowed. Impugned order dated 17.04.2015 is set aside. Election Tribunal is directed to dispose of the election petition in accordance with law.

(SABINA)
JUDGE

July 16, 2015
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