

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

CR No.7944 of 2015 (O&M)

Date of decision : 28.11.2015

Kuldeep Singh

...Petitioner

Versus

Chhinder Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Nakul Sharma, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

Challenge in the present petition is to the order dated 05.10.2015, whereby Presiding Officer had ordered for recounting of the votes.

The operative part of the order reads thus:-

“File was perused. Arguments of counsels for the parties were heard. After hearing arguments and perusing the case file, it has been found that this petition is in respect of elections for the post of Sarpanch of Gram Panchayat Mare Kalan, in which the petitioner has stated that the respondent No.1 in connivance with PRO respondent No.5, got him defeated illegally by showing less polled votes. On perusing the Form No.9 issued by the PRO, it has been found that total 599 votes were polled in Village Mare Kalan, out of which, 580 votes were valid and 19 votes

were cancelled. As per Form No.9, petitioner Chhinder Singh secured 202 votes and respondent No.1 Kuldeep Singh secured 204 votes. From which, it come out that respondent No.1 secured 2 more votes than petition. But petition alleged that he secured more votes than respondent No.1 but respondent No.5 declared respondent No.1 as Sarpanch illegally. It is worthwhile to mention here that out of total polled votes, 19 votes have been cancelled. Therefore, I think that for the disposal of this petition, correct result can only be come after conducting recounting of votes because it might be possible that votes of petitioner could have been mixed in the cancelled votes. Therefore, the concerned record of the polled votes of village election mentioned in the petition be called and recounting of votes be done. Case file be presented on 08.10.2015 for recounting of votes. Parties be directed to come present at the time of recounting of votes and they can also made video recording of recounting at their own level. BDPO Guruharsahai be issued letter for submitting concerned record. Case file be fixed for 08.10.15.”

I do not find any illegality in the order as the order is consonance with the judgment rendered by Hon'ble Supreme Court of India in *Gursewak Singh Vs. Avtar Singh and ors.*, 2006(2) RCR (Civil) 463.

No ground is made out for interference.

The order cannot be said to have been passed without jurisdiction.

Revision petition is dismissed.

28.11.2015

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**(AMIT RAWAL)
JUDGE**