

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.16469 of 2015

Date of Decision:-7.12.2015.

Rani

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE P.B. BAJANTHRI

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

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. G.S. Nagra, Advocate for respondent No.3.

SURYA KANT, J. (ORAL)

1.) The petitioner and respondent No.2 both contested the election of Sarpanch, Gram Panchayat of village Nesta, Tehsil and District Amritsar. The petitioner got 478 votes as against 468 votes polled in favour of respondent No.3. The petitioner was, thus, declared elected by a margin of 10 votes.

2.) Respondent No.3 has filed election petition challenging the petitioner's election. After about two years of filing the election petition, the petitioner moved an application before the Election Tribunal to dismiss the election petition in view of non-compliance of Section 76 (2) of the Punjab State Election Commission Act, 1994 (in short 'the 1994 Act'), namely, that the copy of the election petition supplied to her was not attested by respondent No.3 under her own

signatures.

3.) The said application having been dismissed by the Tribunal, the instant writ petition has been filed.

4.) Respondent No.3 has filed her written statement along with certified copy of the election petition to assert that every page was duly attested by her under her own signatures. It is further pointed out that the election petition is now at the evidence stage and can be decided on merits in a time bound manner.

5.) Having heard learned counsel for the parties and keeping in view the fact that the election petition is pending from the last more than two years and the petitioner's plea/objection, as noticed above, can be effectively adjudicated by respondent No.2 while deciding the election petition, we allow this writ petition in part to the extent the impugned order dated 21.5.2015 is set aside; the Election Tribunal is directed to conclude the evidence and decide the election petition on all issues within a period of three months. While deciding the election petition, the Tribunal shall formulate one issue regarding the alleged non-compliance of Section 76 (2) of the 1994 Act and the same shall also be specifically decided while deciding the main petition.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 7, 2015.

sandeep sethi