

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.16641 of 2015

Date of Decision: August 13, 2015

Sabbir Ahmad

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE JASPAL SINGH.

Present: Mr.Jai Singh Yadav, Advocate, for the petitioner.
Ms.Kirti Singh, DAG, Haryana.

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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?

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Ms.Kirti Singh, learned Deputy Advocate General, Haryana accepts notice on behalf of the respondents.

Let four copies of the writ petition be supplied to the State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

The petitioner is a resident of village Sehsola, District Mewat. His grievance is against the inclusion of 56 persons having double votes, in the voter list of his village. He

is equally aggrieved against the inclusion of 161 new voters as according to him, none of them is a resident of village Sehsola.

The petitioner's case is that verification of voter list was carried out on 01.01.2015 and no sooner he came to know about illegal inclusion of above-stated voters, he submitted the objections dated 26.03.2015 (P-1 to P-3). However, without considering those objections, the final voter list was published on 13.06.2015 in which the above-stated voters have been illegally included. A pointed reference is made to Rule-9 of the Haryana Panchayati Raj Election Rules, 1994 which, inter-alia, provides the affixation of draft voter list at public places including the offices of Gram Panchayat, Panchayat Samiti and Zila Parishad etc. is mandatory. Relying upon Rule-10 of 1994 Rules, it is contended that it was imperative upon the authorities to decide the objections "in writing within three days from the date of receipt" and a copy of such decision ought to have conveyed to the petitioner free of cost. The petitioner contends that the above-stated Rule has been given complete go by.

Having heard learned counsel for the petitioner and the State counsel, it appears to us that the issue raised by the petitioner requires immediate attention and consideration by the Competent Authority. It goes without saying that if there are persons having double votes who have been included in the voter list of the petitioner's village, it would be contrary to the express provisions contained in the Statute. Similarly, the question as to whether or not 161 new voters are residents of village Sehsola, has to be adjudicated on verification of the record and after giving adequate opportunity of hearing to those persons also against whom the

petitioner has made allegations.

It appears from the final voter list that no such exercise was undertaken. We, thus, dispose of this writ petition at this stage with a direction to the Chief Electoral Officer of the State and/or any other Competent Authority who is obligated to decide the petitioner's objections, to consider such objections and pass a reasoned order thereupon. Needless to say that if there is substance in the petitioner's objections, the final voter list will have to be suitably modified before the Gram Panchayat elections are held.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 13, 2015
mohinder

[JASPAL SINGH]
JUDGE