

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

[1] Civil Writ Petition No.19525 of 2015
Date of Decision: September 16, 2015

Jagjit SinghPetitioner
versus
Financial Commissioner-cum-Secretary, Rural Development &
Panchayat, Punjab and othersRespondents

[2] Civil Writ Petition No.19562 of 2015

Balbir KaurPetitioner
versus
Financial Commissioner-cum-Secretary, Rural Development &
Panchayat, Punjab and othersRespondents

[3] Civil Writ Petition No.19617 of 2015

Mohinder SinghPetitioner
versus
Financial Commissioner-cum-Secretary, Rural Development &
Panchayat, Punjab and othersRespondents

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

Present: Ms.Jagdeep Bains, Advocate for the petitioner(s)
Mr.K.K.Gupta, Additional AG, Punjab.

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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)

This order shall dispose of Civil Writ Petition
Nos.19525, 19562 and 19617 of 2015 as common questions of
law and facts are involved in all these cases.

Notice of motion to respondent No.2 only at this
stage.

On our asking, Mr.K.K.Gupta, learned Additional Advocate General, Punjab accepts notice on behalf of said respondent.

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

In view of the nature of order proposed to be passed, we do not deem it necessary to issue notice to the elected candidates as no order prejudicial to their interest is being passed on merits except the expeditious disposal of election petition(s) filed against them. It is also not necessary to serve respondent No.1 or to seek counter-reply from respondent No.2 at this stage.

For brevity, the facts are being extracted from Civil Writ Petition No.19525 of 2015.

The petitioner contested the election for the post of Sarpanch of village Behak Fattu, Block Makhu, Tehsil Zira, District Ferozepur, held on 03.07.2013. Out of 739 polled votes, the elected candidate (respondent No.3) got 355 votes and petitioner got 353 votes whereas respondent No.4 got 18 votes. Respondent No.3 was thus declared elected with the margin of two votes.

The petitioner's case is that 13 votes polled in his favour were erroneously rejected. On this ground, the petitioner has filed Election Petition No.11 of 2013 which is pending before respondent No.2.

It appears from the steps taken so far that the Election Petition is still at the initial stage and no effective proceedings have taken place. The petitioner in those

circumstances moved an application for re-counting of votes which has been declined by respondent No.2 observing that a strong prima-facie case is to be made out by a person seeking recount of the votes.

The aggrieved petitioner has approached this Court.

It is pointed out that Section 80(6) of the Punjab State Election Commission Act, 1994 (for short, 'the Act') contemplates that every Election Petition shall be tried as expeditiously as possible and it would be disposed of preferably within a period of six months.

Contrary to it, in the instant case, two years have gone and the Election Petition is too far away from reaching to its logical conclusion.

In these circumstances and without expressing any views on merits, we remind respondent No.2 the statutory command given under Section 80(6) of the Act and direct him to decide the Election Petition(s) as early as possible but not later than four months from the date of receiving a certified copy of this order. It is clarified that rejection of application for recounting the votes as an interim measure shall have no reflection on the merits of the case(s).

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

September 16, 2015
mohinder

[JASPAL SINGH]
JUDGE