

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21224 of 2015 (O&M)

Date of Decision:- 16.11.2015.

Mukhtiar Singh and another

.....Petitioners

Versus

Election Commissioner, Deputy Collector, Jalandhar 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. J.S. Khattar, Advocate for the applicant/petitioners.

SURYA KANT, J. (ORAL)

CM No.14904-CWP of 2015

Annexure P-4 is taken on record.

CM stands disposed of.

CWP No.21224 of 2015

1.) The election of Councillor of Municipal Committee, Adampur was held on 25.2.2015. The petitioners as well as respondent No.4 contested that election from Ward No.13 (Gazipur). The petitioners were defeated and the fourth respondent was declared elected.

2.) The petitioners did not file any election petition for which

limitation period has already expired. However, after obtaining some information under the RTI, they have made a complaint to the Election Commissioner, Jalandhar as well as the Police Authorities to the effect that respondent No.4 deliberately made a false declaration vide affidavit dated 12.2.2015 (P-1) to the effect that he is *“not accused of any offence(s) punishable with the imprisonment for two years or more in a pending case(s) in which charge (s) has/have been framed by the court(s) of competent jurisdiction-----xxx-----xxxx.”*

3.) It is alleged that contrary to the averments made in the affidavit, the fourth respondent is an accused in the case FIR No.160 dated 19.9.2013 registered under Sections 406 and 420 IPC at Police Station Adampur, District Jalandhar and charges were framed in that case on 18.11.2014 i.e. much before respondent No.4 gave the false affidavit. The petitioners have further alleged that since no action is being taken on their complaint, they have no other remedy except to approach this Court.

4.) Having heard learned counsel for the petitioners and without expressing any views on their allegations, especially when we did not issue any notice to respondent No.4 and we do not intend to pass any order detrimental to his interest behind his back and without commenting as to whether or not the petitioners' complaint is maintainable when they did not file any election petition on the basis of same set of allegations, we dispose of this writ petition with a

direction to respondent No.1 to ascertain the correct facts and take an appropriate decision on the petitioners' complaint, in accordance with law, and after observing principles of natural justice. Let the appropriate decision, if so permissible, be taken within a period of two months.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

November 16, 2015.

sandeep sethi