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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.190 of 2015
Date of decision: 24.07.2015

Gora Singh

...Appellant

Versus

Balwinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Madan Sandhu, Advocate,
for the appellant.

KULDIP SINGH, J. (ORAL)

The present appeal has been filed against the impugned order dated 21.10.2014 passed by the Election Tribunal-Cum-Sub Divisional Magistrate, Mansa by which the election petition filed by the present appellant was dismissed.

Briefly stated, the present appellant as well as respondents No.1 and 2 were candidates for the post of Sarpanch, Village Chehlanwali, Tehsil Sardulgarh which took place on 03.07.2013. The result was declared on the same day. Out of the total 1429 votes, 1314 votes were polled. 19 votes were shown to be cancelled. According to the appellant, he had secured 571 votes whereas respondent No.1 had secured 511 votes. However, respondent No.1 was wrongly declared elected.

The Election Tribunal found that the counting was done by the election staff as per rules. The declaration of the result was

signed by the present appellant and there is nothing on record to show that any protest was raised at that time after the counting. It was found that respondent No.1 secured 71 more votes than the present appellant and, therefore, he was declared elected.

Learned counsel for the appellant has argued that declaration was signed under protest.

However, there is no such protest recorded anywhere. The difference of votes is huge and merely on the asking of the appellant recounting of votes cannot be ordered.

I do not find any illegality in the impugned order. The appeal is accordingly dismissed.

July 24, 2015
vandana

(KULDIP SINGH)
JUDGE