

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

112

Civil Revision No.4843 of 2016

Date of Decision:01.08.2016

Rajbir Singh

....petitioner

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Bikram Chaudhary, Advocate
for the petitioner

ARUN PALLI, J. (ORAL):

Vide order being assailed, dated 26.07.2016, rendered by the Additional Civil Judge (Sr.Divn.) Hisar, application moved by respondent No.3-Sanjay, to be arrayed as defendant to the suit, has since been granted.

In a suit filed by the petitioner-plaintiff, he has prayed for a declaration that he is the duly elected Sarpanch of Gram Panchayat Khedar, Tehsil and District Hisar, and the show cause notices dated 21.03.2016 and 26.04.2016, issued by defendant No.2 i.e. Collector, District Hisar, under Section 51(3)(c) read with Section 177 of the Haryana Panchayati Raj Act, 1994 (for short 'the Act'), are wholly illegal and void.

The case set out by respondent No.3 was/is that the show cause notices were issued to the petitioner for his removal from the post of Sarpanch, as he was not even qualified to contest the election. Further, qualifying the Middle Standard Examination was the pre-requisite qualification for a candidate to contest the election, whereas, the petitioner furnished a fake certificate, obtained from Janta Middle School, Bathinda,

along with his nomination papers. So much so, even the bail application of the Principal of the school was dismissed thrice by the competent Court. As a result of the order of status quo granted by the trial Court, inquiry, that was being conducted by the Collector, under the Act, was at a standstill. In fact, certain officials of the District Development Office, as also the BDPO were hand in gloves with the plaintiff-petitioner and to frustrate the inquiry pending before the Collector, they had neither opposed the stay application moved by the petitioner, nor filed any written statement.

I have heard learned counsel for the petitioner and perused the records.

Concededly, it was pursuant to the complaint made by respondent No.3, the Collector had issued show cause notices to the petitioner. It was he, who brought to the notice of the Collector that the plaintiff-petitioner was disqualified to contest the election. Respondent No.3 had obtained the second highest vote, and, therefore, it was his case that in the event, election of the petitioner is set aside, his claim, for consideration to be elected as Sarpanch, would mature. In terms of Order 1 Rule 10 CPC, the Civil Court cannot only array a person as plaintiff or defendant, who ought to have been joined as a party to the suit, but, also whose presence, would be necessary to enable the Court to effectually and completely adjudicate upon all the issues involved in the lis.

Learned counsel for the petitioner could not point out as to how the order under challenge suffers from any material irregularity or illegality.

That being so, no interference is warranted in exercise of jurisdiction under Article 227 of the Constitution of India. The petition

being devoid of merit is accordingly dismissed.

01.08.2016

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: No