

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

**CR No.6107 of 2014  
Date of Decision: 25.05.2016**

Gurcharan Singh

.....Petitioner

Versus

Presiding Officer, Election Tribunal, Ferozepur & others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. K.R.Dhawan, Advocate  
for the petitioner.

Mr. Anil Sharma, Addl. A.G., Punjab  
for respondents No.1 and 2.

Ms. Anju Bansal, Advocate for  
Mr. Nakul Sharma, Advocate  
for respondent No.3.

Mr. A.K.Lamdharia, Advocate  
for respondent No.4.

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**DARSHAN SINGH, J (ORAL)**

The present revision petition has been preferred against the order dated 25.08.2014, passed by the learned Presiding Officer, Election Tribunal, Ferozepur, vide which he has ordered the re-counting of the votes for the election to the post of Sarpanch of Gram Panchayat Village Ghanga Kalan, Block Guruharsahai, District Ferozepur, held on 03.07.2013.

2. Learned counsel for the petitioner contended that the impugned order has been passed by the learned Presiding Officer without recording any evidence and without recording any specific

reasons. He contended that the order for re-counting can only be passed if the Presiding Officer is prima facie satisfied after recording the evidence that there is some irregularity or illegality in the counting of the votes but no such satisfaction has been recorded in the impugned order.

3. This fact has also not been disputed by even the learned counsel for respondent No.4 that the impugned order has been passed by the learned Presiding Officer without recording any evidence.

4. I have duly considered the aforesaid contentions.

5. The learned Presiding Officer passed the impugned order for re-counting of the votes by observing as under:-

*".....After hearing both the parties, it seems that there is contention in the petition of not proper counting of the votes, therefore, the petition can be disposed of earlier by recounting of the votes. The concerned record mentioned in the petition, be summoned and recounting be conducted....."*

Thus, the learned Presiding Officer has simply mentioned that there is contention in the petition of not properly counting the votes, therefore, the petition can be disposed of early by re-counting of the votes. He has not mentioned any material available on record to record his satisfaction for ordering the re-counting of the votes. Admittedly no evidence has been recorded by the learned Presiding Officer before passing this order. Mere

allegations in the petition cannot be made a ground to order the re-counting of the votes. In fact, the impugned order is non-speaking and is not supported by any reasons. Such order cannot be sustained in the eyes of law.

6. In these circumstances, the present revision petition is hereby allowed. The impugned order dated 25.08.2014 is hereby set aside with a direction to the learned Presiding Officer to pass fresh order on the application moved by respondent No.4 for re-counting of the votes, after following the due procedure of law, within six months from the date of this order.

**[ DARSHAN SINGH ]**  
**JUDGE**

25.05.2016  
Vinay