

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

Civil Revision No.821 of 2016 (O&M)
Date of decision: August 08, 2016

Malook Singh

...Petitioner

Versus

Sardool Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Rupinder Kaur Thind, Advocate for the petitioner.
Mr. Vaibhav Narang, Advocate for respondents No.1 & 2.
Mr. D.S. Kahlon, Advocate for respondent No.3.

Rajan Gupta, J.(oral)

It appears, election to the post of Sarpanch of Gram Panchayat Fattu Bheela were held on 3.7.2013. Respondent No.1 namely, Sardul Singh was elected as Sarpanch. His election was challenged by the petitioner Malook Singh. During the pendency of the election petition, the Tribunal found that record of slips of votes qua booth No.42 were missing. It, thus, refused to proceed further with the election petition and marked an enquiry into the matter. Order has been assailed on the ground that while acting as Election Tribunal, it was duty of the authority to decide the petition in accordance with law. According to law, it could not have embarked upon an enquiry during the pendency of the election petition. It is, thus, prayed that the matter be remitted to the same authority for decision afresh.

Plea for remand of the case is not opposed by the counsel representing respondent No.1.

The petition is allowed in these terms.

August 08, 2016
'Rajpal'

Yes / No

Yes / No