

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.11004 of 2016

Date of Decision: May 28, 2016

Balwinder Kumar

....Petitioner

versus

Deputy Commissioner, Shaheed Bhagat Singh Nagar and others

.....Respondents

**CORAM:HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.**

Present: Mr.Lakhwinder Singh Mann, Advocate, for the petitioner.
Mr.Rajesh Bhardwaj, Additional AG, Punjab.

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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?

Surya Kant, J. (Oral)

Notice of motion to respondent No.1 only at this stage.

On our asking, Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, accepts notice on his behalf.

Let two copies of the writ petition be supplied to learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent No.1 or to serve respondent No.2 to 4 at this stage as no order on merits prejudicial to their interest is being passed.

The short grievance of the petitioner in this writ petition is that his Election Petition titled as 'Balwinder Kumar versus Bhajan Lal and others' challenging the election of Sarpanch

of Gram Panchayat, Village New Thopia, Tehsil Balachaur, District Shaheed Bhagar Singh Nagar, held on 30.07.2013, is not being decided from the last almost three years though the total tenure of the office of Sarpanch is five years. It is further averred that the petition was finally heard on merits on 21.12.2015 but no order has been pronounced till date. Pertinently, it was a case where the petitioner got 122 votes as against 123 votes cast in favour of the winning candidate, namely, respondent No.2.

Having regard to the specific stand taken by the petitioner that the Election Petition was heard on 21.12.2015 and no order has been pronounced for the last more than five months, we dispose of this writ petition with a direction to respondent No.1- Deputy Commissioner, SBS Nagar, to take up the matter and pronounce the order (if arguments have already been heard) or rehear the same and decide it on or before 30.06.2016, failing which the petitioner may seek revival of these proceedings for initiation of *suo-moto* contempt of Court proceedings.

Ordered accordingly.

Let a copy of this order be given dasti to Mr.Rajesh Bhardwaj, learned Additional Advocate General, Punjab, for information and necessary compliance.

[SURYA KANT]
JUDGE

May 28, 2016
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[A.B.CHAUDHARI]
JUDGE