

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 12902 of 2016

Date of Decision: 1.8.2016

Rajesh Kasnia

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Ashwani Bhardwaj, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the final notification dated 25.8.2015 (Annexure P-1). Further, a prayer has been made for setting aside the election of Municipal Council, Hansi, District Hisar held on 22.5.2016.

2. The official respondents vide final notification dated 25.8.2015 (Annexure P-1) under Rule 10 of the Haryana Municipal Delimitation of Ward Rules, 1977 issued Wardbandi for Hansi, District Hisar. Vide notification dated 28.4.2016, the election schedule (Annexure P-2) for the Municipal Council, Hansi along with other Municipal Committees and Councils had been issued. The result of the said election was declared on 22.5.2016 (Annexure P-3) and respondents No.6 to 32 were elected as members. The petitioner after getting Form 7, submitted Form 6 on 29.4.2016 for the transfer of the vote from his village to Hansi since for last 4-5 years as he was residing in Hansi and wanted to contest the election for the Councillor of Ward No.21, Hansi. However, the vote of the petitioner was not transferred just to deprive him to contest the election. The voting list was uploaded on the internet on 10.5.2016. There was a huge difference of number of voters between the tentative survey of Wardbandi and in the

final list of the voters as per comparative charge of the survey list and the final list (Annexure P-4). Accordingly, the petitioner moved a representation dated 12.5.2016 (Annexure P-5) to respondent No.5 for not transferring his vote due to wrong Wardbandi and wrong voter list. In pursuance thereto, respondent No.5 vide letter dated 17.5.2016 (Annexure P-6) directed respondent No.3 for taking action of the complaints of the petitioner and to resolve the issues. However, respondent No.3 without considering the grievances of the petitioner, conducted the election. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 12.5.2016 (Annexure P-5) to respondent No.5, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the representation dated 12.5.2016 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of one month from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 1, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No