

CWP No.13954 of 2016

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

CWP No.13954 of 2016
Date of decision: 23.08.2016

Sumer Singh

....Petitioner

Versus

State Election Commission, Haryana and others

....Respondents

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

Present: - Mr. S.S. Sahu, Advocate,
for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Kamal Sharma, Advocate,
for respondent No.6.

AJAY KUMAR MITTAL, J. (ORAL)

Petitioner has approached this Court under Articles 226/227 of the Constitution of India seeking writ in nature of *certiorari* for setting aside the order dated 18.05.2016 (Annexure P-9) passed by Civil Judge (Senior Division), Fatehabad, whereby 31 votes of the petitioner have been declared invalid.

2. The operative part of the order passed by this Court on 03.08.2016 reads as under: -

“Thereafter, the writ petition came up for hearing on 28.07.2016, wherein Addl. A.G.Haryana appearing on behalf of respondents No.1 to 4 was directed to produce the record of the votes including 31 votes which were declared invalid.

Mr. Desh Raj Patwari, office of B.D.P.O, Bhuna, is present in person and has produced the record. However, perusal of the

CWP No.13954 of 2016

record shows that 31 votes which have been held to be invalid by the Election Tribunal as submitted by the Local Commissioner have not been kept separately. It is, thus, considered appropriate that for re-counting of the votes the matter is referred to OSD (Vigilance), Haryana of this Court to which learned counsel for the parties are agreed. He shall submit his report after examining all the votes in the presence of the petitioner and respondent No.6 or their respective counsel representing them. The said report be submitted within two weeks. The record containing 8 envelopes produced by the State shall be kept in the safe custody of Registrar (Judicial) of this Court who shall further hand over it to OSD (Vigilance), Haryana.

Adjourned to 23.08.2016 to await the report of OSD, (Vigilance), Haryana.”

3. In pursuance of order dated 03.08.2016, report in sealed cover has been produced in Court. The sealed cover is opened in Court and the report is taken on record.

4. In compliance to the aforesaid order, recounting was done by O.S.D. (Vigilance) Haryana in the presence of learned counsel for the parties. In the report it has been submitted that Sumer Singh – petitioner has polled 1612 valid votes whereas Chander @ Chander Lal – respondent No.6 has polled 1630 valid votes. The report is in consonance with the order passed by Civil Court.

5. In view of above, learned counsel for the petitioner prays that he may be allowed to withdraw the present writ petition.

6. Dismissed as withdrawn.

7. The record containing of envelopes produced by the State in Court

on 03.08.2016 which was ordered to be kept in the safe custody of the

CWP No.13954 of 2016

Registrar (Judicial) of this Court, be handed over to the learned counsel for the State or the official identified by him under proper receipt.

(AJAY KUMAR MITTAL)
JUDGE

23.08.2016
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No