

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

**CWP No.181 of 2016 (O&M)
Date of Decision: 07.01.2016**

Poonam

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE P.B. BAJANTHRI**

Present: Mr. RD Bawa, Advocate for the petitioner

Ms. Kirti Singh, DAG Haryana

Mr. Aman Pal, Advocate for respondent No.5

Mr. RS Tacoria, Advocate for respondent No.6

SURYA KANT, J. (Oral)

(1) Notice of motion. On our asking, Ms. Kirti Singh, DAG Haryana accepts notice on behalf of respondents No.1 to 4. On the oral prayer made by Mr. Aman Pal, Advocate, the objector-Ramphal is impleaded as respondent No.5. Similarly, on request made on behalf of Alka Rani, she is ordered to be impleaded as respondent No.6. Registry to carry out necessary amendment in the memo of parties.

(2) Heard learned counsel for the parties.

(3) The petitioner's grievance is against rejection of her nomination vide impugned order dated 30.12.2015 (P6) for the post of Sarpanch of village Ramgarh Road, Block Pehowa, District Kurukshetra on the ground that her father-in-law (Ranbir Singh

s/o Mehan Singh) has been found to be in unauthorized possession of Gram Panchayat land comprising khasra No.58//17. The petitioner relies upon a plethora of documents including judgements of Civil Court/First Appellate Court to the effect that the Gram Panchayat land is occupied by one late Deshu s/o Munshi and/or his legal representatives against whom the Gram Panchayat is already in litigation. It is claimed that the petitioner's father-in-law has never been in occupation of the Gram Panchayat land and the stray entry in the jamabandi for the year 2011-2012 is wholly unwarranted.

(4) Since the petitioner has raised a question of fact which is crucial for determining her eligibility to contest the election, we dispose of this writ petition without expressing any views on merits with a direction to the Deputy Commissioner-cum-District Election Officer, Kurukshetra to depute a senior officer of the District Administration preferably Sub Divisional Officer (Civil) to hold a fact-finding enquiry by associating the private respondents and the petitioner and thereafter determine as to whether or not the petitioner is eligible to contest the election. The enquiry be started today itself.

(5) Let appropriate orders be passed by tomorrow 3.00 pm.

(6) Needless to say that if after the fact-finding enquiry, the petitioner is found eligible, she shall be allowed to contest the Gram Panchayat elections.

(7) Let a copy of this order duly attested by the Bench Secretary be handed over to Ms. Kirti Singh, DAG Haryana during the course of day for necessary compliance.

(Surya Kant)
Judge

07.01.2016
vishal shonkar

(P.B. Bajanthri)
Judge