

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

Civil Writ Petition No.3243 of 2016

Date of Decision : 18.02.2016

Yogesh Kumar Sharma and othersPetitioners
Versus
State of Haryana and othes .. Respondents

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

Present : Mr.Jai Bhagwan Sharma, Advocate, for the petitioners
Ms.Kirti Singh, Deputy Advocate General, Haryana.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Ms.Kirti Singh, learned Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

Let four copies of the writ petition be handed over 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, there is no necessity to seek any counter-reply from the respondents at this stage.

The petitioners seek quashing of the impugned orders dated 30.12.2015 passed by the District Election Officer (P)-cum-Deputy Commissioner, Gurgaon and 09.12.2015 passed by respondent No.3.

The controversy pertains to inclusion of names of the petitioners and their family members in the voter lists of village Chandu or Budhera. This is court has issued directions twice to the authorities to consider the documents and other material relied upon by the petitioners to assert that they are *bonafide* residents of village Chandu and not village Budhera, Tehsil and District Gurgaon. It appears that pursuant to those directions, the claim of some of the writ-petitioners has been accepted by the authorities. The petitioners, however, are amongst those whose claim has not been accepted. They have again approached this Court alongwith series of documents in support of their claim that they are indeed residents of village Chandu.

As the matter requires a further fact-finding enquiry, we relegate the petitioners to the Haryana State Election Commission who may consider the petitioners' claim and if need be, let a fresh fact-finding enquiry be held for the purpose of determination of their claim. It shall be appreciated if appropriate decision is taken within a period of six months from the date of receiving a certified copy of this order.

The writ petition stands disposed of accordingly.

Dasti.

[Surya Kant]
Judge

[P.B. Bajanthri]
Judge

18.02.2016
mohinder