

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

CWP No.4980 of 2016 (O&M)

Date of Decision: 16.03.2016

Manju Devi & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. Vinod S Bharwaj, Advocate for the petitioners

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 3. Since no order prejudicial to the interest of respondents No.4 to 7 is being passed, there is no necessity to issue notice and call upon them to file their reply/affidavit at this stage.

(2) The petitioners are elected Members of Zila Parishad, Kaithal. They allege that respondent No.6 has been declared elected as President of Zila Parishad in collusion and connivance with the Additional Deputy Commissioner, Kaithal and respondent No.5 – who is the MLA from Gulha Constituency. The manner in which respondent No.6 was declared elected as President has been narrated by the petitioners in their complaint made to the State Election Commission as well as the Deputy Commissioner, Kaithal (P5). It is also averred that the Additional

Deputy Commissioner conducted the election in a clandestine manner as a delegate of the Deputy Commissioner.

(3) Since the petitioners, with a view to make out a case of fraudulent exercise of powers by the Additional Deputy Commissioner, have raised various questions of facts, we dispose of this writ petition with a direction to the Deputy Commissioner, Kaithal to take into custody the entire election record within two days and thereafter hold a fact-finding enquiry observing the principles of natural justice, namely, by associating both the groups and take further necessary action as may be required in accordance with law. The entire exercise shall be completed within one week from the date of receipt of a certified copy of this order.

(4) **Dasti**

(Surya Kant)
Judge

16.03.2016
vishal shonkar

(P.B. Bajanthri)
Judge