

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5067 of 2016 (O&M)

Date of Decision: 17.03.2016

Avtar Singh & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE P.B. BAJANTHRI

Present: Mr. Ved Parkash, Advocate for the petitioners

SURYA KANT, J. (Oral)

(1) The petitioners who appear to have constructed their residential houses in the agriculture fields at a site which is known as *Dhani/Dera* (hamlet) had earlier approached this court through CWP No.16885 of 2015 seeking a direction for inclusion of their names in the Voter-List of Municipal Council, Safidon, District Jind. The direction was sought on the premise that the petitioners' residential houses are located within the Municipal limits and they are entitled to be included in the Voter-List of Ward No.10 of the said Municipality. The writ petition was disposed of with a direction to the District Administration to hold a fact-finding enquiry and take an appropriate decision.

(2) Pursuant thereto, the Deputy Commissioner, Jind has passed a well-reasoned order dated 20.01.2016 (P6) whereby he has concluded on the basis of two spot inspection reports submitted by (i) Secretary, Municipal Council, Safidon and (ii) SDO (Civil), Safidon that the petitioners are residing in a *Dera* which is outside the Municipal

limits of Safidon. The petitioners' claims for inclusion of their name in the Municipal Council, Safidon has thus been rejected.

(3) The aggrieved petitioners assail the above-mentioned order.

(4) We have heard learned counsel for the petitioners at a considerable length. In view of the categorical finding of fact based upon inspection reports of two independent authorities that the petitioners' *dera* is located outside the Municipal limits of Safidon, we see no reason to take a different view more-so when there is no material on record to impinge the credibility of the two reports.

(5) Faced with this, learned counsel for the petitioners submits that the petitioners who have their permanent abode, in any case, are entitled to be included in the Voter-List of the village within whose revenue estate their houses are located. Since no such claim was earlier put up by the petitioners, we refrain from expressing any views except to say that the names of petitioners deserve to be included in the Voter-List of the village for which they are found eligible. Let the petitioners put up such a claim before the Prescribed Authority who shall consider and decide the same in accordance with law. It shall be appreciated if a final decision is taken within six months.

(6) Disposed of accordingly.

(Surya Kant)
Judge

17.03.2016
vishal shonkar

(P.B. Bajanthri)
Judge