

CWP No.13462 of 2017

[1]

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

**CWP No.13462 of 2017
Date of decision:03.07.2017**

Suresh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for seeking a direction to respondent no.2 to decide representation of the petitioner dated 01.06.2016 on the ground that respondent no.4 has contested the election to the post of Sarpanch of village Budanpur on the basis of forged 8th class certificate.

Counsel for the petitioner has submitted that an FIR No.391 dated 15.10.2016 has been registered under Sections 420, 467, 468, 471 at Police Station Indri, District Karnal against the sitting Sarpanch on the ground that he had forged the 8th class certificate in order to contest the election as the 8th class pass was a *sine qua non* for the purpose of contesting the election by a SC/BC candidate.

I have heard learned counsel for the petitioner and examined the available record.

Since the FIR was registered on 15.10.2016, much after the

representation was made by the petitioner to the Deputy Commissioner in terms of Section 51 of the Haryana Panchayati Raj Act, 1994 (hereinafter referred to as the “Act”), therefore, at this stage, no relief can be granted to the petitioner except allowing him to move another appropriate representation, giving all the facts, to the Deputy Commissioner, Karnal, by referring to the relevant provisions of the Act. In case such a representation is filed by the petitioner and is received by the Deputy Commissioner concerned within a period of 15 days from today, the same shall be considered and decided by him, in accordance with law, within a period of 30 days thereafter.

July 03, 2017
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(Rakesh Kumar Jain)
Judge

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