

CWP-2403-2017

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

242

**CWP-2403-2017 (O&M).
Decided on: February 15, 2017.**

Urmila

.. Petitioner(s)

VERSUS

State of Haryana and others.

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Vivek Khatri, Advocate,
for the petitioner.**

Mr.Gurav Jindal, Addl. A.G. Haryana.

**Mr.Brijender Kaushik, Advocate,
for respondent nos.3 and 5.**

M.M.S. BEDI, J. (ORAL)

Reply filed on behalf of respondent nos.3 and 5 is taken
on record. Copy supplied to the counsel for the petitioner.

Through the instant writ petition under Articles 226 and
227 of the Constitution of India, the petitioner has sought issuance of a writ
in the nature of mandamus directing the respondents to correct the husband
name of the petitioner from Jagbir Singh to Agbir Singh in the electoral roll
of Jat Education Society, Hisar, registered under the Haryana Registration
of Regulation of Societies Act, 2012. The petitioner claims that in the

electoral list of Jat Education Society as well as in the recent list her name exists at Sr. No.21 in the electoral college no.6 of the voter list. The election for Jat Education Society has been scheduled but the petitioner is not being permitted to cast vote because name of her husband was mentioned as Jagbir whereas name of her husband is Agbir.

Notice of motion was issued to the respondents on 8.2.2017 for 9.2.2017. A report of Deputy Commissioner-cum-Administrator of Jat Education Society, Hisar, was filed stating that the returning officer had been advised that if the request of the petitioner is genuine, the same may be considered by him. It is further reported that the eligibility of the petitioner by the Returning Officer is to be considered at the time of election in view of the documents presented by the voter/petitioner while appearing for polling. Vide interim order dated 9.2.2017, it was directed that the petitioner would be entitled to exercise her right of vote as Urmila wife of Agbir subject to any decision taken by the Presiding/Returning Officer at the time of polling and at the time of final decision by this Court.

After hearing the counsel for the petitioner as well as the counsel for the respondents, it transpires that the mistake has occurred even in the member verification form where the name of husband of the petitioner has been mentioned as Jagbir. It further transpires that so far as the identity of the petitioner as Urmila is concerned, the same is not disputed. She being a voter is also not disputed but the sole controversy is that on account of name of her husband having been recorded as Jagbir

Singh in the electoral roll, she is not being permitted to participate in the election process.

I have considered the facts and circumstances of the case in the light of report submitted by the Deputy Commissioner-cum-Administrator. As per the report submitted before this Court on 9.2.2017, the petitioner can be permitted to vote and participate in the election process subject to establishment of her identity on the basis of the documents to be presented by her while appearing for polling of vote.

Counsel for the petitioner submits that the election of the Jat Education Society, which was scheduled for 12.2.2016 has now been postponed to 26.2.2017. In order to remove the uncertainty regarding the eligibility of the petitioner to participate in the election process, I deem it appropriate to dispose of this petition before the date of election. Since there is no dispute regarding the identity of the petitioner and there is provision and scope for the Returning Officer to consider her identity and permit her to participate in the election process as per the report of the Deputy Commissioner, I am of the considered opinion that she can be permitted to participate in the election to be held on 26.2.2017. In order to satisfy the Court, a copy of the ration card containing the particulars of the members of the family of the petitioner has been placed on record. This Court is satisfied that the petitioner is actually Urmila wife of Agbir Singh, resident of Village Alakhpura, Tehsil Bawani Khera, District Bhiwani.

This petition is disposed of with a direction that the petitioner would be entitled to get the name of her husband corrected on the

CWP-2403-2017

basis of the documents by formally filing an application before the competent authority but till final decision is taken, she would be considered as Urmila wife of Agbir entitled to participate in the above said election.

(M.M.S. BEDI)
JUDGE

February 15, 2017.

rka	Whether speaking / reasoned	Yes / No
	Whether reportable:	Yes / No