

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

CWP No.11653 of 2018

Date of Decision : 09.05.2018

Maxin

....Petitioner

Versus

State Election Commission Haryana and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJBIR SEHRAWAT

Present: Mr.R.S.Kundu, Advocate
for the petitioner.

MAHESH GROVER, J. (Oral)

The petitioner alleges that his nomination has been wrongly rejected on the ground of his being an undischarged insolvent. He further contends that he had contested the elections in 2002 and remained a Member till 2008. Even in 2013 he contested the elections and for the first time such an issue has been raised for some outstanding amount which pertains to the year 1992.

The elections are underway and, therefore, we propose to dispose of the present petition so that the interest of a candidate in a democratic process is not harmed for an erroneous reason or at the behest of certain vested interests.

Notice of motion.

On our asking, Mr. Sandeep Moudgil, Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the State.

In view of the above, we dispose of the writ petition

without expressing any opinion on merits of the case but with a direction to the Deputy Commissioner/District Electoral Officer, Sonapat to either himself or through a senior officer of the district administration hold a fact finding inquiry to determine as to whether or not the petitioner is eligible to contest the election. We direct the inquiry to be held today itself.

Let a copy of the order be furnished to the learned counsel appearing for the State for onward transmission to the concerned officer i.e. Deputy Commissioner, Sonapat. Necessary orders in this regard shall positively be passed by tomorrow i.e. 10.05.2018.

In case the petitioner is actually found to be in default, the rules would certainly require a notice in this regard which should have been served upon him. In this eventuality, if the petitioner is willing to offset the entire liability from 1992 till today in accordance with law to satisfy the entire demand, there should be no impediment in his way to contest the election.

Petition stands disposed of.

(MAHESH GROVER)
JUDGE

09.05.2018
dss

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No