

(Proceedings through Video Conferencing)

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

CWP No.2246 of 2021

Date of Decision:-03.02.2021

Kapoor Chand Bansal

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present:- Petitioner in person.

AUGUSTINE GEORGE MASIH J.(Oral)

Petitioner has appeared in person and has put-forth his submissions that he has continuously been elected as Municipal Councillor of the Municipal Council, Samana, District Patiala since the year 1998 and is also the President of Municipal Council, Samana continuously since 2008.

It is asserted that the petitioner is desirous of contesting elections of Municipal Councillor from Ward No.8, Samana, for which the polling station is set up at S.S. Harbhagwan School, Samana which is the common polling station of Wards No.7 and 8 and all four polling booths of said polling station have been declared to be hyper sensitive by the Sub Divisional Magistrate, Samana vide communication No.733/Elections dated 08.01.2021 (Annexure P-1). Earlier also there had been an incident of booth capturing in the year 2015 when the elections were held and an FIR No.30 dated 25.02.2015, under Sections 117, 122, 123, 124 of the Punjab State Election Commission Act, 1994 and Sections 186, 353 and 392 IPC (Annexure P-2) was registered at Police Station City Samana, District Patiala.

There is grave apprehension with regard to the large scale disturbance and violence.

Since the petitioner belongs to the principal opposition party of the State of Punjab, he is more apprehensive of the said assertions. The intent of the petitioner is that fair, free and impartial elections be held and for that the petitioner had highlighted his grievance by submitting a representation dated 15.01.2021 (Annexure P-3) to the respondents but till date no action thereon has been taken.

Assertion on this basis is made by the petitioner that a direction be issued to the respondents to consider the representation referred to above and take a decision thereupon so that fair, impartial and effective elections are held to Ward No.8, from where the petitioner is intending to contest the elections.

Without commenting on the merits of the case, the present petition is disposed of with a direction to respondents No.4 and 5 i.e. the Deputy Commissioner-cum-District Election Officer, Patiala and the Senior Superintendent of Police, Patiala, respectively, to look into the representation of the petitioner dated 15.01.2021 (Annexure P-3) and take a decision thereon within a period of four days from the date of receipt of certified copy of this order. In case some substance is found therein in the said representation, appropriate action in accordance with law be taken to ensure the conduct of fair, free and impartial elections.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 03, 2021
Vijay Asija

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No