

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

CWP No. 16264 of 2021
Date of decision 24.08.2021

Dharmender Vats and anr.

...Petitioners

Vs.

State of Haryana and ors.

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr. Sandeep Bhardwaj, Advocate,
for the petitioners.

Mr. Ankur Mittal, Addl.A.G.Haryana

Ritu Bahri, J. (Oral)

The present writ petition under Articles 226/227 of the Constitution of India has been filed seeking quashing of impugned voter list (P-1).

Learned State counsel on instructions from Sh. Bhupinder Singh, HCS, SDM, Bahadurgarh has informed the Court that State Election Commission has given the election schedule on 30.06.2021. The draft notification was issued on 09.07.2021. The objections were to be filed till 16.07.2021 against the draft notifications. 1200 objections were received by the Revising Authority, which were decided on 27.07.2021. The appeals were filed and the same were decided on 04.08.2021 by the Deputy Commissioner. Thereafter, the final notification was published/issued on 18.08.2021.

In view of the above, the petitioners at best had the remedy to approach the Deputy Commissioner was when 1200 objections were decided on 27.07.2021. The petitioners kept quiet and approached this Court after the final notification was issued on 18.08.2021. The petitioners

now cannot raise the plea that their objections had not been decided. The petitioners should have file their objections after 19.07.2021.

In Section 4 of the Haryana Municipal Election Rules, 1978 (in short 'Rules 1978') , the total procedure has been prescribed for filing objections and for filing appeal.

As per Rule 4 (1) of Rules 1978, the Deputy Commissioner under the superintendence, direction and control of the State Election Commission, shall cause to distribute the electors of Legislative Assembly constituency or a part thereof of the existing electoral roll prepared by the Election Commission of India under the provisions of the Representation of People Act, 1950 (Central Act 43 of 1950).

As per Rule 4 (2) of Rules 1978, the electors of Legislative Assembly constituency, so distributed ward wise shall be the electoral roll for that ward of the Municipal Council/ Committee which shall be prepared in Hindi and in such other language or languages and in such form, as the State Election Commission may direct.

Further, as per Rule 4 (3) of Rules 1978, as soon as the ward wise roll of a Municipal Council/Committee is ready, the Deputy Commissioner shall publish it as draft together with a notice intimating the date by which objections or claims with regard to the ward wise roll may be presented to the Revising Authority specified therein. It has been further provided that a period of not less than five days shall be allowed for filing claims and objections.

In the present case, the draft notification was issued by the Deputy Commissioner on 09.07.2021 under the control of State Election Commission and the objections could have been filed till 16.07.2021. The petitioners should have filed objections before the Revising Authority in the

prescribed form A and B or can send the objections by way of registered post. The Revising Authority shall maintain a register of claims in Form I-A and register of objections in Form I-B, entering therein the particulars of every claim or objection, as the case may be, as and when it is received. Any claim or objection under clause (i) which is not lodged within the prescribed period, or in the form, or, if lodged, by a person not entitled to lodge the same, shall be rejected.

Rule 4 (4) (vii), (viii) and (ix) of 1978 Rules, reads as under:-

“vii) On the date and at the place fixed under sub clause (v), the Revising Authority shall hear and decide the claims and objections according to their merits after hearing the parties concerned or their authorized agents and, in the case of a claim any person who objects to the admission of such a claim and after considering such evidence as may be produced or may appear necessary to him, he shall -

(a) reject any claim or objection which does not comply with any of the provisions of these rules or pass such orders, as he may deem fit;

(b) dismiss any case in which the claimant or objector is not present or is not represented

“(viii) Any person aggrieved by any such order of the Revising Authority, may file appeal within three days from the date of order to the Deputy Commissioner, who shall within three days either confirm such order, or set it aside or pass such other order with respect to the claim or objection as he may deem fit.

(ix) As soon as the Revising Authority has disposed of all the claims and objections presented before him, he shall forward a list of such claims and objections along-with his orders thereon to the Deputy Commissioner who shall cause the ward wise roll to be corrected, in accordance with the orders passed by the Revising Authority or by him in appeal under clause (viii) of sub rule (4), as the case may be. The rolls so amended shall be final and two copies thereof duly signed by the Deputy Commissioner

and Revising Authority shall be kept in their offices and shall be published in the manner prescribed under sub rule (3) together with list of additions and corrections prepared in accordance with the said orders. Any ward wise roll corrected and published under the provisions of clause (ix) shall come into force from the date of such publication.

The above Rule lays down the total procedure to be followed but the petitioners in their petition had submitted that they had filed their objections on 23.04.2021 (P-2) but if their objections were not decided in time, they should have approach the Revising Authority. The petitioners took no steps. As per information given by learned State counsel, 1200 objections were decided on 27.07.2021 and thereafter, the appeals were filed which were decided on 04.08.2021 by the Deputy Commissioner. The final notification was published/issued on 18.08.2021.

The petitioners have not made State Election Commission as a party in the present petition. The petitioners at this stage cannot challenge the impugned voter list (P-1), which has been issued after deciding 1200 objections on 27.07.2021

Accordingly, at this stage, no case is made out to entertain the present writ petition, which has been filed at a belated stage and the same is dismissed.

(RITU BAHRI)
JUDGE

(ARUN MONGA)
JUDGE

24.08.2021
G Arora

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