

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

Sr. No.108

CWP-15966-2021

Date of Decision: 06.10.2021

RAMESH KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. S.K.Verma, Advocate,
for the petitioner.

(Through video conference)

RITU BAHRI, J.

Petitioner is seeking writ in the nature of mandamus directing the respondents to consider and decide the objections dated 16.07.2021 (Annexure P-2) filed by him in connection with draft electoral rolls and formation of wardbandi, and further to take action on the complaint dated 09.08.2021 (Annexure P-3) and application dated 13.08.2021 (Annexure P-4).

In the Municipality of Shahabad Markanda, earlier wardbandi was done in 2015 and as per the voter list in 2015, there were total 1204 votes in ward No.12 and 1230 votes in ward No.9.

Pursuant to the notification dated 15.03.2021 issued by State Election Commission, Haryana, the second notification (Annexure P-1) was issued on 30.06.2021 giving directions to the concerned Deputy Commissioners to revise the schedule for preparation or updating of the electoral rolls of 45 Municipalities

including Municipality of Shahabad Markanda. As per the notification, draft electoral rolls were to be published for inviting objections on 09.07.2021; the last date for presenting claims and objections was up to 16.07.2021; last date for deciding the claims and objections was 27.07.2021 and the date of final publication of the electoral rolls was 18.08.2021.

Learned counsel for the petitioner states that on 14.07.2021, petitioner came to know about the draft electoral rolls and gave his objection on 16.07.2021 (Annexure P-2) against the draft electoral rolls.

The grievance of the petitioner is that some of the names of the deceased persons were not deleted and votes of united families were not shifted in the same ward i.e., ward No.12. Petitioner made a complaint dated 09.08.2021 on the CM window. An application dated 13.08.2021 (Annexure P-4) alongwith affidavits of the Objector was made to the Deputy Commissioner Kurukshetra and SDO Shahabad, Markanda, raising the same objections. Vide letter dated 13.08.2021 (Annexure P-5), the Deputy Commissioner asked the Revising Authority to examine the complaint of Smt.Navneet Kaur, Sh.Ramesh kumar i.e., the present petitioner and Smt. Nisha Thukral. In this backdrop, the writ petition was filed after notice.

Pursuant to the order dated 19.08.2021, Revising Authority has filed a reply dated 03.09.2021 on behalf of respondents No.1 to 5. In the reply, reference has been made to Rule 4 (3) of the Haryana Municipal Election Rules, 1978. As per the said rules, objections to the electoral rolls published on 09.07.2021 were to be given by 16.07.2021. As per Rule 4 (4) (i), *an*

objection regarding distribution of electors ward wise shall be addressed and presented to the Revising Authority in the prescribed Form A and B. Claims in Form A is to be filled by those applicants, who intend to include their names and make correction in their entry or transposing of their names in another ward in electoral roll. Objections in Form B shall be filed by those applicants who intend to object inclusion of name or seek deletion of a name from the electoral roll.

In total, 62 claims were received by the Revising Authority on or before 16.07.2021 and petitioner's objections dated 16.07.2021 were never received nor it is part of any register and no appeal was filed by the petitioner to the Deputy Commissioner up to 30.07.2021. Also, no complaint has been received from the petitioner as is evident from the register maintained up to 16.07.2021. Out of those total 62 claims, 51 claims were admitted and 11 claims were rejected by the Revising Authority.

Keeping in view the application dated 09.08.2021 submitted by the petitioner, a report (Annexure R-1) was sought by the Deputy Commissioner. Vide letter dated 13.08.2021, the information was sent to the petitioner vide letter dated 14.08.2021 (Annexure R-2).

Vide letter dated 18.08.2021 (Annexure R-3), petitioner was informed that the complaint dated 09.08.2021 has been filed.

Petitioner had filed an application CM-13668-CWP-2021 for placing on record a rejoinder, a list of deceased persons along with vernacular of the final voter list issued by the respondents

(Annexure P-6), which had been taken on record.

Notice of motion.

Mr. Ankur Mittal, Additional Advocate General, Haryana, assisted by Mr. Saurabh Mago, Assistant Advocate General, Haryana, accepts notice on behalf of respondent-State Authorities.

Learned State Counsel has produced the registers and affixation record of all the objections received by the Revising Authority. A perusal of all the registers shows that entry of the objection was made date-wise and there is no entry beyond 16.07.2021, in any register of objections. The objections given by the petitioner was dated 09.08.2021 and so far as objections dated 16.07.2021 given by the petitioner are concerned, the same does not find any mention either in the register of ward No.12 or in any other register, which have been maintained for the said purpose.

Further, as per the list of objections, total 62 objections were received, out of which 51 objections have been accepted and 11 have been rejected by the Revising Authority, Municipal Committee, Shahabad. The file containing all the objections have also been produced today and the objections are carrying the photographs as well as Aadhar Cards of the Objectors. Moreover, ward numbers have also been mentioned in the objections.

After perusal of the record, the same is handed over to Sh.Bambool Singh, Secretary, Municipal Committee, Shahabad.

Now, coming to Annexure P-5 dated 13.08.2021, placed on record by Learned counsel for the petitioner, in this letter, the Deputy Commissioner, Kurukshetra, has informed the Revising

Authority to make an enquiry with respect to three complaints dated 09.08.2021 made by Navneet Kaur, Nisha Thukral and Ramesh kumar i.e. the present petitioner.

In response to this letter, the respondents have placed on record, a letter dated 18.08.2021 (Annexure R-3), whereby all these three persons namely, Navneet Kaur, Nisha Thukral and Ramesh kumar i.e. the present petitioner, have been informed by the Deputy Commissioner that as per the report of Revising Authority, Municipal Committee Shahbad, claims and objections on the published draft roll of Municipal Committee, Shahabad had to be received from 12.07.2021 to 16.07.2021 and no objections were given by these persons and now no action can be taken on the complaints given by all the above three persons and hence the complaints have been filed.

Learned State counsel has given a file in which the complaints made by these three persons have been reflected.

As far as complaint of Nisha Thukral is concerned, she had stated that the voters mentioned at serial Nos.1232 to 1255 and 1401 to 1407 have been wrongly shifted from ward No.4 to Ward No.3 and upon verification from page No.2 of the file produced by learned State Counsel, the numbers of all the above voters have been given and it reflects that all these persons are in Ward No.4. Further, as per the detailed enquiry, it is clarified that all these voters are still in Ward No.4.

As far as objections given by Navneet Kaur are concerned, she had objected that in Ward No.13, the voter list, which has been made, is wrong and the voters have been shifted to other

wards. Learned State counsel on verification states that now in year 2021, there are total 1341 votes and nobody has been deleted, and the voter list of both these years is almost the same.

Now, as far as objections given by the present petitioner i.e. Ramesh Kumar are concerned, therein it is stated that 245 votes have been shifted from Ward No.12 in the year 2015, there were total 1010 voters and in the year 2021, there are total 1289 voters, which reflects that there is no deletion or transfer of any voter from ward No.12.

With respect to second objection of Ramesh Kumar with respect to 33 fake votes in ward No.9, it is contended by learned State Counsel that names of all these 33 persons find mention in Vidhan Sabha list and they still exist in ward No.9. Even, this enquiry has been done that even though the objections were received on 09.08.2021, after the date fixed i.e. 16.07.2021, they have done an enquiry as per the objections received, which is part of their record.

With the assistance of learned State Counsel, complaints made by three persons, namely, Navneet Kaur, Nisha Thukral and Ramesh kumar, have been verified and, as such, no ground is made out to interfere with the final voter list, which was published on 14.08.2021.

Learned counsel for the petitioner has also seen the record produced by Mr. Bambool Singh, Secretary, Municipal Committee, Shahabad, today and he is satisfied that there is no deletion or transfer of votes from ward No.12 and with respect to votes of ward No.9, names of 33 persons find mention in Vidhan

Sabha list and they are still existing.

In the present case, since the objections dated 09.08.2021 filed by the petitioner were after the last date i.e., 16.07.2021, fixed for hearing objections, no ground is made out to entertain the present writ petition.

Accordingly, the present writ petition is hereby dismissed.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

06.10.2021
sonu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No