

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

CWP-2808-2022
Date of decision 14.02.2022

A.S. BabehaliPetitioner

Vs.

State of Punjab and ors. ...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. B.S. Bajwa, Advocate
for the petitioner.

Mr. Namit Kumar, Advocate
for Election Commission of India.

Ms. Anu Pal, DAG, Punjab

Ritu Bahri, J. (Oral)

Petitioner is seeking quashing of order dated 08.02.2022 (P-7) passed in compliance of CWP No. 2126-2022 whereby respondent No. 5-SDM cum Electoral Registration Officer has rejected his claim.

Brief facts of the case are that petitioner is permanent member of the village Babehali and has successfully contested the election of Sarpanch of the village Babehali. Petitioner filed CWP No. 21911-2021 before this Court seeking direction to respondent Nos. 1 to 5 not to change the location of Booth Nos. 10 and 11, situated at village Babehali for the ensuing Vidhan Sabha elections. This writ petition was disposed of on 15.12.2021 by giving direction to respondent No. 5 to look into the matter and pass a final order on the letter dated 23.08.2021, in accordance with law, within a period of two weeks.

A perusal of order dated 08.02.2022 (P-7) shows that in

compliance of order dated 15.12.2021, respondent No. 5-SDM cum

Electoral Registration Officer made spot inspection through Tehsildar cum Assistant Electoral Officer 004 Gurdaspur who reported that he visited Booth Nos. 10 and 11 in village Babehali along with BLO Gurdial Singh and found that Booth No. 10 has been shifted to Government Primary School (Girls) Babehali. It falls within 500 meters. It will be convenient to the residents of the village and it will be easy for the voters to cast votes in this booth.

This report of Tehsildar was examined and after considering this report of Tehsildar cum Assistant Electoral Officer, the representation dated 23.08.2021 given by Manjeet Singh, Numberdar has been consigned to record room by the SDM-cum-Electoral Registration Officer, Gurdaspur vide order dated 29.12.2021 and the same was sent to the Deputy Commissioner-cum-District Electoral Officer Gurdaspur.

A perusal of impugned order dated 08.02.2022 (P-7) further shows that the Executive Engineer, PWD (B&R) Gurdaspur vide his memo dated 08.12.2021 has also reported that the distance between Govt. Senior Secondary School Babehali and Government Primary School (Girls) Babehali is 0.50 km. ***As per Election Commission of India manual of polling station para No. 2.4 polling station should be set up in such a manner that ordinarily, no voter is required to travel more than 2 km for casting his vote.***

The grievance of the petitioner before this Court is that this Court in CWP No. 2126-2022 has issued notice of motion on 07.02.2022 and the State had taken time to take instructions as to how order dated 15.12.2021 (P-5) has been complied with. After taking time on 07.02.2022, the impugned order has been passed on 08.02.2022 (P-7).

Learned State counsel on the other hand has produced the order dated 29.12.2021 of SDM-cum-Electoral Registration Officer, Gurdaspur. This Court in CWP-21911-2021 has given direction on 15.12.2021 (P-5) to SDM-cum-Electoral Registration Officer, Vidhan Sabha Halqa-4, Gurdaspur to look into the matter and pass a final order on the letter dated 23.08.2021, in accordance with law. On 08.02.2022, this order has been duly complied with.

Hence for all intents and purposes, the order passed by this Court on 15.12.2021 (P-5) has been duly complied with while passing the impugned order dated 08.02.2022 (P-7) by referring to the report of Tehsildar. The report was accepted on 29.12.2021 and the information was given to the Advocate General Punjab office, vide letter dated 08.02.2022. Learned State counsel has also produced the copy of dispatch register (Annexure 'C'), copy of postal receipt (Annexure 'D') and copy of original registered letter (Annexure 'E') to show that the copy has been sent on 07.02.2022 but Manjit Singh-Numberdar has refused to receive the same.

In view of the above factual position, the present writ petition is dismissed.

(RITU BAHRI)
JUDGE

14.02.2022
G Arora

(ASHOK KUMAR VERMA)
JUDGE

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