

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

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CWP-13573-2022

Date of decision : 05.07.2022

Deepak Kumar and others

Petitioners

V/S

State of Haryana and others

Respondents

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

Present: Mr. S.S. Sahu, Advocate for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, AAG, Haryana
for respondents No. 1 to 4.

Mr. Ankur Mittal, Ms. Kushaldeep K. Manchanda and
Mr. Shivam Garg, Advocates for respondents No. 5 and 6.

RITU BAHRI, J. (ORAL)

The petitioners have filed the present petition for setting aside the voter list of wards No.16 and 17 qua the 450 votes which were illegally and arbitrarily transferred by the respondents at the instance of some interested persons from ward No.16 to 17 and the voters including the petitioners may be allowed to cast their votes in the election scheduled on 19.06.2022 in ward No.16.

Learned State counsel, on instructions of Sh. Pankaj, Secretary, Municipal Committee Ratia, Fatehabad, Haryana, has informed the Court that in the present case 02 notifications were issued prior to 18.02.2022 and even in those notifications no objections were filed by the petitioners. A draft notification was issued on 18.02.2022 and objections were to be filed by 24.02.2022. 03 objections were filed

which were all accepted till 04.03.2022. Till 08.03.2022 appeal has to be filed before the Deputy Commissioner, Fatehabad which was decided by 11.03.2022. Thereafter a final notification was issued on the voter list on 16.03.2022. The petitioners did not file any objections between 18.02.2022 to 16.03.2022. The petitioners have filed their first representation to the Deputy Commissioner, Fatehabad on 21.05.2022. Now, the elections have already taken place on 19.06.2022 and result has been declared on 22.06.2022. Final notification of result has also been published.

At this stage, learned counsel for the petitioners has referred to a Division Bench judgment of this Court in ***Rakesh Sharma Vs. The State of Punjab and others : 2009(2) RCR (Civil) 426.***

A perusal of this judgment shows that it was a case where challenge was made to the delimitation of the wards under the Punjab Municipal Act, 1911. The writ petition was filed at the time when Municipal Elections was due in November, 2005 and the State of Punjab has decided to increase the number of wards of Municipal Council, Nangal from 17 to 19. Perusal of judgment further shows that the petitioner had approached this Court before the elections were conducted and during the pendency of the writ petition, the election process was stayed.

In para 11 of the judgment it has further been observed that the State Government had published the recommendations within 10 days vide notification dated 15.07.2005. However, after inviting the objections and consideration thereof, the State Government found that numbering of wards is not proper. On this ground, the writ petition has

been allowed and the State Government was directed to hold the elections after inviting objections and suggestions with regard to delimitation of wards. The facts of the aforesaid judgment are not applicable to the present case.

In the present case as per the facts stated above, the objections were decided and after deciding the same, final notification was issued on 16.03.2022. Now, even the elections have taken place on 19.06.2022, result was declared on 22.06.2022 and Gazette notification has also been issued. The petitioners have not disputed that they have not filed any objections, whether it was in their knowledge or not, this Court is not inclined to re-consider the issue and no directions can be given to the Deputy Commissioner, Fatehabad to look into the representations dated 21.05.2022 and 04.06.2022 (Annexures P-5 and P-6) at this belated stage. The present petition is dismissed accordingly.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

05.07.2022
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No