

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

CWP-18021-2021
Date of decision 24.01.2022

Duli Chand and othersPetitioners

Vs.

State of Haryana and others ...Respondents

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

Present: Mr. Prashant Sethi, Advocate
for the petitioners.

Ritu Bahri, J. (Oral)

The present petition is for quashing of order dated 04.08.2021 (P-7) passed by respondent No. 4, vide which claim of petitioners stands rejected.

Issue notice of motion.

On asking of the Court, Mr. Ankur Mittal, Addl.A.G. Haryana accepts notice on behalf of respondent-State.

The precise grievance of the petitioners before this Court is that their names in the voter list have been bifurcated and included in voter lists of Wards Nos. 1, 8 and 22 of Hansi, District Hissar from Ward No. 26 without any reason, vide voter list (P-1).

Learned counsel for the petitioners submits that 70 objections have been filed but the same were not considered and the case was rejected by respondent No. 5, vide order dated 04.08.2021 (P-7).

Learned State counsel has taken preliminary objection in the

present case that this case is governed by Haryana Municipal Election Rules, 1978 and as per these Rules, the draft notification was issued on 09.07.2021 and the objections were to be given by 16.07.2021 and the same were to be decided before 27.07.2021. However, the petitioners have filed the objections on 29.07.2021 directly before the Deputy Commissioner. However, despite the fact that the objections have been filed late and that too not before the Competent Authority, the same were rejected, vide order dated 04.08.2021 (P-7) by the Deputy Commissioner Hisar wherein it has been observed that as per report of the concerned B.L.O, the residence of all the voters has been found to be in accordance with the voter list. As per draft notification dated 09.07.2021, the objections were to be decided before 27.07.2021 and appeal filed against these objections, were to be decided before 30.07.2021, as per Rule 4 (8) of Haryana Panchayati Raj Election Commission Rules, 1994, which reads as under:-

(8) An appeal against the order of the Circle Revenue Officer shall lie before the Sub-Divisional Officer (Civil) concerned. The appeal against the order of the Sub-Divisional Officer (Civil) shall be filed before the Additional Deputy Commissioner concerned. The appeal shall be filed within three days of the [receiving of the copy] of impugned order. The appeal shall be disposed of within a week from the date the appeal is preferred.”

The petitioners have approached this Court after the final notification was issued on 18.08.2021. No appeal has been filed by the petitioners against the order dated 04.08.2021 (P-7) till date.

On a specific query put to learned counsel for the petitioners,

learned counsel for the petitioners has not disputed the fact that he has not

challenged the final notification and thus final notification has attained finality.

The present petition deserves to be dismissed as the petitioners had not filed an appeal and even the objections have been filed at a belated stage and thus order dated 04.08.2021 (P-7) has attained finality. The proceedings have been followed in accordance with law.

No merits.

Dismissed.

(RITU BAHRI)
JUDGE

24.01.2022

G Arora

(ASHOK KUMAR VERMA)
JUDGE

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