

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

(122)

CWP-17842-2022.
Date of Decision:-16.08.2022.

Hardeep Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Pardhuman Garg, Advocate for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G., Punjab.

Mr. G.S. Punia, Senior Advocate with
Ms. Harleen Kaur, Advocate for respondent Nos.4 to 6.

AUGUSTINE GEORGE MASIH, J. (Oral)

Challenge in this writ petition is to the order dated 02.08.2022 (Annexure P-1) passed by the Sub-Divisional Magistrate-cum-Election Tribunal, Amlloh. According to the said order, in most part of the order, it was mentioned "Panch" but at some places, it has been mentioned "Sarpanch", as the election was pertaining to the post of "Sarpanch". A corrigendum in this regard has been issued on 11.8.2022. The said order has been corrected.

Counsel for the petitioner contends that the order which has been passed by the Election Tribunal is a non-speaking order. Merely on the basis of the pleadings of respondent No.4, re-count of the votes had been ordered, which he contends is unsustainable.

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Learned Senior counsel for respondent Nos.4 to 6 although has made an effort to assert that the same was passed upon the evidence which was led by the parties but is unable to satisfy the Court with regard to said contention as the order passed by the Election Tribunal, Amloh, does not deal with any of these aspects.

In the light of the above, we are of the considered view that the order dated 02.08.2022 (Annexure P-1) passed by the Sub-Divisional Magistrate-cum-Election Tribunal, Amloh ordering re-count of the votes for the post of Sarpanch of village Sounti to be done on 17.08.2022 cannot sustain, as the said order is a non-speaking one without considering and detailing the reasons and the evidence on which it is based.

The impugned order is, therefore, set aside and a direction is issued to the Sub-Divisional Magistrate-cum-Election Tribunal, Amloh to re-consider the matter and pass an appropriate order, in accordance with law within a period of 15 days from the next date of hearing i.e. 17.08.2022.

Writ petition stands allowed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ALOK JAIN)
JUDGE

August 16, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No