

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

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CWP No.17849 of 2022.

Date of Decision: 16.08.2022.

Rasheena Begam

....Petitioner.

Versus

State of Punjab and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Pardhuman Garg, Advocate for the petitioner.
Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab.

Mr. G.S. Punia, Senior Advocate, with
Ms. Harveen Kaur, Advocate for respondent No.4-Satvir Kaur.

Harinder Singh Sidhu, J.

The petitioner has been declared elected as a Panch of Gram Panchayat Sounti, Tehsil Amloh, District Fatehgarh Sahib, in the election which were held on 13.12.2018. Her election was challenged by respondent No.4 by filing an election petition.

The petitioner is aggrieved of the order dated 02.08.2022 (Annexure P/1) passed by the Sub-Divisional Magistrate-cum-Election Tribunal, Amloh, whereby recounting of votes has been ordered.

It is contended that there was no material before the Election Tribunal justifying the order for recounting of the votes. Only an apprehension of the election petitioner that some votes cast in her favour have been wrongly rejected, was noticed.

Petitioner has won the election by four votes.

As per the election petitioner (respondent No.4) four votes were wrongly rejected, whereas as per the petitioner herein (respondent in the election petition) only two votes were rejected. There is no clarity from the order as to how many votes were in fact rejected.

In view thereof, the order dated 02.08.2022 (Annexure P/1) is set aside leaving it open to the Sub-Divisional Magistrate-cum-Election Tribunal, to pass a fresh order within 15 days on the issue of recounting of votes.

Petition stands disposed of accordingly.

(HARINDER SINGH SIDHU)
JUDGE

(LALIT BATRA)
JUDGE

16.08.2022
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No