

119.

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

CWP-21905-2022

Date of Decision: 22.09.2022

RAJPREET SINGH AND ANR.

.... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J.K. Singla, Advocate,
for the petitioners.

JAISHREE THAKUR.J (Oral)

The instant writ petition has been filed with a limited prayer for issuance of a writ in the nature of mandamus directing respondents No.1 to 4 to conduct elections of the Managing Committee of respondent No.7 in a fair and transparent manner.

Counsel appearing on behalf of the petitioners herein would contend that petitioner No.1 is a resident of Zone-1 i.e. Village Bhikhi and is the President of the Society, namely, Bhikhi Multipurpose Cooperative Agricultural Society Limited, Bhikhi, whereas petitioner No.2 is the resident/member of Zone No.2 i.e. Village Samaon, and both zones fall under the same Society, for which Society elections have been declared. It is submitted that as per the election program, the nomination papers are to be submitted on 28.09.2022 between 9.00 AM and 11.00 AM. It is submitted that there is every apprehension that the election process would not be

conducted fairly, persons desirous of submitting their nomination forms would not be allowed to do so or the nomination papers would be rejected wrongly. It is further submitted that in order to ensure a fair election to the said Society, the petitioners are willing to pay for the expenses incurred for videography of the entire process. The petitioners would deposit the amount with the Assistant Registrar/Returning Officer, as assessed by him, within a period of two days. While making this prayer, counsel for the petitioners relies upon judgments of Division Bench of this Court passed in ***CWP No.17198 of 2015, Kuljit Singh Bedi Versus State of Punjab and others, decided on 24.08.2015*** and ***CWP No.9183 of 2021, Davinder Kumar and others Versus State of Punjab and others, decided on 28.04.2021***, besides a single Bench decision in ***CWP No.8264 of 2021, Kulwant Singh and others Versus State of Punjab and others, decided on 23.08.2021***, in which directions had been issued in similar circumstances.

Notice of motion to the official respondents only.

On the asking of the Court, Mr. Ferry Sofat, Additional Advocate General, Punjab, accepts notice on behalf of the official respondents. He would pray for adequate number of copies of paper book to be supplied to him within the course of the day.

Ordered accordingly.

It is submitted that the Assistant Registrar/Returning Officer is duty bound to ensure a fair and free election and any apprehension to the contrary is unfounded. However, he submits that in case the petitioners bear the expenses of videography of the entire election process, there would be no objection to the State authorities.

I have heard learned counsel for the petitioners as well as learned State counsel and have perused the pleadings of the case.

Without going into the contentions raised regarding the apprehension and the threats received by the petitioners herein, as alleged, to file nomination papers at the behest of one particular political party, it would be in the interest of all that in case the entire election process, as per the schedule, is videographed. The same would ensure a free and a fair election which would be in the ultimate interest of all the members of the Society.

The writ petition is disposed of with a direction for the petitioners to deposit the expenses for videography of the election process to be assessed by the Assistant Registrar/Returning Officer with the same authority within next two days and on doing so, the said Officer shall make appropriate arrangements for videography of the entire election process and will retain the same in his safe custody.

(JAISHREE THAKUR)
JUDGE

22.09.2022

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No