

Kusum Goyal

....Petitioner

versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE SUMEET GOEL**

Present:- Mr. Sumeet Jain, Advocate for petitioner.

Mr. Naveen S. Bhardwaj, Additional AG Haryana.

SUDHIR SINGH, J. (ORAL)

Petition herein, under Article 226 of the Constitution of India, is *inter alia* for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 26.10.2023 (Annexure P-1) whereby, respondent No.4-Deputy Commissioner, Gurugram directed an inquiry and to submit report, impugned order dated 26.10.2023 (Annexure P-2) whereby respondent No.5-Executive Officer-cum-Nodal Officer, Municipal Corporation, Bye-election Sohna, Gurgaon directed respondents No.6 and 7 to submit report by 30.10.2023; and impugned order dated 27.10.2023 (Annexure P-3) whereby respondent No.6-Executive Officer-cum-Nodal Officer, Municipal Corporation directed respondents No.8 to 10 to submit report by 30.10.2023, in respect of an application dated 25.10.2023 (Annexure P-5) submitted by respondent No.11.

2. Learned counsel for the petitioner submits that Rules 14 and 14-A of the Haryana Municipal Election Rules, 1978 (for short 'Rules') prescribes for inclusion, deletion and correction of the names into the electoral roll by an individual himself only and not by any other third person. He further submits that

in the present case, no proceedings under Rules 4, 12, 14 or 14-A of Rules, under which a voter can be deleted or included in the electoral roll; or electoral roll can be amended, corrected, revised, are going on.

3. Pursuant to the order dated 02.11.2023 passed by this Court, a short reply by way of an affidavit dated 23.11.2023 on behalf of respondents No.1 to 6 has been tendered, in course of hearing, by learned State counsel, which is taken on record. Following stand has been taken in paragraphs-9 and 10 of the same:-

- “9. *That it is further submitted that in pursuance of the said letter dated 26.10.2023 issued to respondent No.5 by respondent No.4 and subsequent correspondence between the official respondents, no effective action has been taken on the complaint dated 25.10.2023 in any manner whatsoever. Meanwhile, the matter became sub-judice before this Hon’ble Court.*
- 10. *That it is respectfully submitted that the election process for the By-election of Ward No.15 of the Municipal Council Sohna, District Gurugram has already been completed on 05.11.2023, on the basis of the Electoral roll published in the year 2022 as such the self assumed apprehensions of the petitioner have already proved to be misplaced as no further action is warranted or being taken in the matter in pursuance of the complaint/ representation dated 25.10.2023 as well as letter dated 26.10.2023 issued to respondent No.5 by respondent No.4 and subsequent correspondence between the official respondents (which are impugned herein) as the election is already over. The present petition has thus been rendered infructuous.”*

4. Considering the fact that in view of the aforesaid, present petition has become infructuous, no further order is required to be passed.

5. So far as issue relating to whether an application for inclusion/ deletion of names in the electoral roll can be made to the Returning Officer till the last date of making nomination and Returning Officer shall be the competent authority for inclusion/ deletion of names in the electoral roll, in light, especially taking into note of Rule 14-A of the Rules, is left open to be decided in an appropriate case.

6. With the aforesaid observations and liberty, instant petition is disposed of.
7. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUMEET GOEL)
JUDGE

November 28, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No