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

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**CWP-23477-2024 (O&M).
Date of Decision: 16.09.2024.**

MOHD. IQBAL

.. Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court for seeking a direction for expeditious decision of the election petition titled as Liyakat etc. Vs. Mohammad Akhlaq and others, pending before the Election Tribunal/Additional Civil Judge (Sr. Divn.) Hathin in a time bound manner.

It is argued by the counsel for the petitioner that the petitioner had contested the election for the post of Sarpanch on 15.11.2022 against respondent No.2. It was claimed that the District Election Officer, had not prepared the voter list by complying with the rules under the Haryana Panchayati Raj Act, 1994 and the election was conducted on an incomplete

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and illegal voter list due to which the result of elections to the post of the Sarpanch has been affected. It is contended that there were other mal-practices also that happened during the process of the elections in which respondent No.2 was eventually declared as elected.

Aggrieved thereof, the petitioner preferred an application/election petition before the Election Tribunal/Additional Civil Judge (Sr. Divn.) Hathin under Section 176 of the Haryana Panchayati Raj Act, 1994.

It is submitted that the petitioner had concluded his evidence on 06.05.2024 and that thereafter, the matter was posted for evidence of respondent No.2. He contends that the case has been adjourned on as many as 11 occasions on account of delaying tactics adopted by respondent No.2. He contends that the term of the elected Sarpanch is five years which is nearing as a period of more than two years has already elapsed and the unnecessary delay being caused in the adjudication, is likely to cause severe prejudice to the rights of the petitioner. He places reliance on the **order dated 04.09.2023 passed in CR-5099-2023 titled as Sandeep Kumar Vs. Election Tribunal-cum-Civil Judge (Jr. Divn.) Jind and others**, wherein the Election Tribunal was directed to decide the matter expeditiously and preferably within a period of six months of the receipt of certified copy of the order.

I have heard the learned counsel appearing for the petitioner.

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Considering the order which this Court intends to pass, issuance of formal notice would not be necessary. The zimni orders passed by the Addl. Civil Judge (Sr. Divn.)-cum-Sub Divisional Judicial Magistrate, Hathin, have been perused by this Court and the contention of the petitioner appears to be well founded. The matter is being adjourned to enable the respondent to lead his evidence but no effective steps seemingly have been taken by the respondent to conclude the evidence. Inordinate delay in the adjudication of the election proceeding is likely to render the petition preferred by the petitioner infructuous after lapse of a certain period. It is informed that now the matter before the Election Tribunal is fixed for 21.09.2024.

The present petition is accordingly disposed of without commenting on the merits of the respective claims with a direction to the Election Tribunal/Additional Civil Judge (Sr. Divn.) Hathin, to take appropriate steps for expeditious adjudication of the election petition. The pending proceedings be concluded preferably within a period of six months from the next date fixed before the Election Tribunal/Additional Civil Judge (Sr. Divn.) Hathin, after granting due opportunity of hearing to the respective parties.

September 16, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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