

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24770-2022 (O&M)

Date of decision: January 04, 2024

Shravan Singh and others

....Petitioners

versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE HARSH BUNGER**

Present:- Mr. Vikram Singh, Advocate for petitioners.

Mr. Manish Dadwal, AAG Haryana.

SUDHIR SINGH, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for setting aside the order dated 14.07.2022 (Annexure P-4) passed by respondent No.3 and order dated 17.09.2022 (Annexure P-6) passed by respondent No.4 vide which names of the petitioners were removed from the voters' list of Gram Panchayat Budsham registered in the year 2022 according to Section 12-B of the Haryana Panchayati Raj Election Rules, 1994 (for short 'Rules of 1994').

2. Learned counsel for the petitioners submits that petitioners are the residents of village Budsham, Tehsil Nilokheri, District Karnal for a considerable period of time. He submits that for a certain period of time, the petitioners had gone to Uttar Pradesh, and had also got their votes registered in the said State. But, later on, all the petitioners returned to the Haryana and also purchased residential properties there. They are also having their Aadhar Cards, Voter Cards and even houses in the village Budsham (photocopies thereof are appended as Annexures P-1 to P-3). Learned counsel further submits that pursuant to the

complaint/ application filed by Sikandar Guraya and Harjinder Singh, respondent No.3 passed the impugned order dated 14.07.2022 (Annexure P-4) whereby names of the petitioners were removed from the voters' list of the region. Further, aforesaid Sikandar Guraya and Harjinder Singh also filed CWP-19643-2022, in this regard. He submits that pursuant to an interim order dated 02.09.2022 (Annexure P-5) passed in the aforesaid writ, respondent No.4 passed the impugned order dated 02.09.2022 (Annexure P-6) giving direction to remove the names of the petitioners from the voters' list of Gram Panchayat Budsham. Learned counsel for the petitioners further submits that the petitioners got their names deleted from the electoral rolls in the State of Uttar Pradesh, on 05.07.2022, and have appended copies of Tracking Status report as Annexures P-7 and P-8 (colly), in this regard.

3. On the other hand, learned State counsel opposes the prayer of the petitioners and submits that the impugned orders are perfectly legal and there is no illegality or irregularity in the same. He submits that upon a complaint received from Sikander Guraya and others, a report [Annexure R-1 (colly)] was sought from the concerned Block Level Officer (BLO) and Chowkidar of the village Budsham, who reported regarding the petitioners having votes in 136-Dadraul Assembly Constituency of the State of Uttar Pradesh. Further, an opportunity of being heard was also afforded to the petitioners. Petitioner No.1 did not appear, and though petitioners No.2 and 3 appeared and furnished their statements, yet they did not produce any documentary evidence in support of their version. Thereafter, a report dated 25.05.2022 (Annexure R-3) was received from Assistant District Election Officer, Shahjahanpur, in which it was clearly mentioned that votes of the petitioners were existing in the voters' list of 136-Dadraul Assembly Constituency. The petitioners had submitted false affidavits that they had got their votes deleted from the electoral rolls of the State of Uttar

Pradesh. He submits that the petitioners may apply afresh for inclusion of their names in the electoral rolls of the State of Haryana for future purposes and the competent authority will pass an appropriate order, in accordance with law.

4. We have heard learned counsel for the parties and have also gone through the record.

5. Written statement on behalf of respondents No.1 to 4 has already been filed. The genesis of passing of the impugned orders is a report (Annexure R-1) of Block Level Officer (BLO) and Chowkidar of the village Budsham, whereby it was informed that petitioners were having votes in 136-Dadraul Assembly Constituency of the State of Uttar Pradesh, but there is no date mentioned on the report *ibid*. An opportunity of being heard was also afforded to the petitioners on 17.05.2022 and thereafter, on 18.05.2022, the District Magistrate/ District Election Officer Shahjahanpur and Shamli (Uttar Pradesh) were requested to verify the votes of the petitioners along with other persons. Thereafter, vide report dated 25.05.2022, Assistant District Election Officer, Shahjahanpur stated that votes of the petitioners were in existence in the voters' list of 136-Dadraul Assembly Constituency. Though the report (Annexure R-1) does not bear any date, yet from the report of Assistant District Election Officer, Shahjahanpur, it can be borne out that report (Annexure R-1) must have been made well prior in time and only thereafter, the impugned orders dated 14.07.2023 (Annexure P-4) and dated 17.09.2022 (Annexure P-6) were passed.

5.1. Be that as it may, from the perusal of the Annexures P-7 and P-8 (colly) i.e., Form-7 and Tracking Status reports, it appears that the petitioners got their votes deleted from the electoral rolls of the State of Uttar Pradesh, on 05.07.2022 and as on date, they are no longer the voters of the aforesaid State. Learned counsel for the petitioners prays only for inclusion of the names of the petitioners in the electoral rolls of the State of Haryana.

6. Considering the facts and circumstances as stated in the petition as well as reply dated 11.01.2023 filed on behalf of respondents No.1 to 4, the petitioners are granted an opportunity to make a fresh representation/ application before the competent authority for redressal of their grievances, which shall consider the same and pass an appropriate order, in accordance with law, after carrying out due verification of the documents so submitted by the petitioners with their representation/ application and affording them an opportunity of personal hearing, within a period of 04 weeks from the date of receipt of copy of this order.

7. With the aforesaid observations, present writ petition is disposed of.

8. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(HARSH BUNGER)
JUDGE

January 04, 2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No