

**In the High Court of Punjab and Haryana at Chandigarh****109****CWP-23457-2024 (O & M)****Date of Decision: September 16, 2024****BALJINDER SINGH AND ANR****.....PETITIONERS****VERSUS****STATE OF PUNJAB AND ORS****....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA****Present: Mr.Manoj Sharma, Advocate for the petitioners.****Mr.Maninderjit Singh Bedi, Addl.AG, Punjab.************SURESHWAR THAKUR, J (ORAL)**

1. Learned counsel appearing for the petitioner after arguing for a considerable duration of time, attempted to persuade this Court, about the invalidity of enlistment of jhuggi dwellers, as voters, for theirs exercising franchise for elections to Gram Panchayat, Jagatpura. The counsel for the petitioner submits that since the place of residence of the enlisted voters, is the relevant factor, for theirs becoming enlisted for theirs exercising their franchise. Therefore, he submits that since the jhuggi dwellers concerned, are occupying land which is owned by the Municipal Corporation, Chandigarh, therebys, the said jhuggi dwellers are required to be enlisted as voters, thus for exercising their franchise, in the elections to be held to the Punjab State Legislative Assembly relating to the Assembly Constituency, Roopnagar and/or Mohali.
2. The above is a heavily disputed question of fact and thus cannot be decided in the instant proceeding. Moreover also, when it is submitted today

before this Court by the learned State counsel, that the said factum of mis-enlistment of the respondents, as voters in the Panchayat (supra), can be agitated by the petitioner through their casting a statutory appeal.

3. In the wake of the above, the present petition, at this stage, is misconstituted, and, is also premature, and, as such is disposed of with liberty to the petitioner to agitate their grievances before the competent statutory Appellate authority concerned. On such a motion being preferred before the statutory Appellate authority concerned, therebys, the latter shall within a period of 2 months from today, pass a lawful speaking order but after hearing all the affected persons concerned.

4. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

September 16, 2024
A.Kaundal

Whether speaking/ reasoned	: Yes/No
Whether Reportable	: Yes/No