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

FAO-5265-2023 (O&M)
Date of decision : 26.02.2026

NARINDER KUMAR

....Appellant

Versus

RETURNING OFFICER, MC, SIRHIND AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Surya Parkash, Advocate
for the appellant.

Mr. H.P.S. Ishar, Addl. A.G., Punjab along with
Mr. Shubham Agarwal, IPS, SSP Fatehgarh Sahib.

Mr. Shivendra Swaroop, Advocate and
Ms. Chetan Sharma, Advocate, Local Commissioner.

Mr. Abhilaksh Gaiind, Advocate,
Mr. Rakesh Roy, Advocate and
Ms. Priya Jarial, Advocate
for respondent No.1-MC, Sirhind.

Mr. Hiten Chugh, Advocate and
Mr. S.S. Salar, Advocate for respondent No.3.

PANKAJ JAIN, J. (ORAL)

On 17.02.2026, following order was passed:

“1. On 29.01.2026, following order was passed:-

“[1] The appellant was elected as a Municipal Councillor
from Ward No.16, Municipal Committee, Sirhind.

[2] The election of the appellant has been set aside, holding
encroachment in a form of chabutra constructed by him in
front of his house.



[3] Mr. Gaiind, counsel for the respondent-Municipal Committee, has produced photograph(s) and claims that there is no chabutra in front of the house of the appellant. He submits that Local Commissioner be appointed.

[4] Appellant is ready to bear the expenses.

[5] Mr. Shivandra Swaroop (P/3847/10), Advocate, is appointed as Local Commissioner, who shall visit the spot and submit his report before this Court with respect to existence of any chabutra before the house of the appellant.

[6] Local Commissioner, Advocate, shall be paid an amount of ₹35,000/- by the appellant.

[7] Apart from ₹35,000/-, Local Commissioner shall also be entitled for further sum of ₹5000/- as travelling expenses.

[8] Adjourned to 17.02.2026.

[9] Local Commissioner will visit site on 06.02.2026 and submit his report on or before the adjourned date. To be shown in the urgent list.”

2. Today, report from Local Commissioner has been received. The same is taken on record. Local Commissioner has reported as under:-

“xx xx xx

3. That in furtherance of the above reproduced order dated 29.01.2026, the undersigned visited the demised premises i.e. House No. 3425, Mohalla Harlalpura, Ward No. 8, New Ward No. 16, Sirhind Mandi, Tehsil & District Fatehgarh Sahib on 06.02.2026 being accompanied by an official from Municipal Committee, Sirhind, Mr. Jagtar Singh. Junior Assistant who identified the appellant as well as the demised premises.

4. That as informed to the undersigned by Mr. Jagtar Singh, he also telephonically informed the respondent no. 3 i.e. Sh. Sanjeev Kumar s/o Sh. Kishan Chand, R/o H.No. 3414, Mohalla Harlalpura, Ward No. 8, New Ward No. 16, Sirhind Mandi, Tehsil & District Fatehgarh Sahib and requested him to be present at the spot but he declined to



come present at the spot.

5. That three local residents were also associated with the proceedings and the photographs of the demised premises in terms of above reproduced order dated 29.01.2026 were taken in the presence of the appellant/applicant, the official from Municipal Committee, Sirhind and some local residents. The copy of the attendance-cum-proceeding sheet along with the photocopies of the Aadhar Card of those present at spot is annexed herewith as **Annexure LC-1** for the kind consideration of this Hon'ble Court.

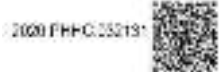
6. That the photographs taken at the spot depict that at present there is no Chabutra in front of the house of the appellant as on the date of the visit by the undersigned i.e. on 06.02.2026 and the said photographs are annexed herewith as **Annexure LC-2** for the kind consideration of this Hon'ble Court.”

3. In view of the aforesaid report, this Court finds that since as on date, the chabutra does not exist, the impugned order passed against the appellant vide which his election was annulled as MC, Sirhand, the same shall not be taken as a disqualification against him for any future electoral venture.

4. Mr. Ishar was requested on the date the Local Commissioner was appointed to make sure that adequate arrangements of security are made. However, Mr. Ishar submits that though the sentiments of the Court were conveyed to SSP, yet no arrangement was made.

6. SSP, Fatehgarh Sahib to remain present in person on the next date of hearing, fixed as 18.02.2026.

7. To be shown in urgent list.”



- 2. Today, affidavit of Shubham Agarwal, IPS, Senior Superintendent of Police, District Fatehgarh Sahib has been filed. The same is taken on record. Copy thereof has been supplied to counsel opposite.
- 3. The main appeal already stands decided vide order dated 17.02.2026.
- 4. In view of above, no further order is required to be passed. The appeal is accordingly, disposed off.
- 5. Pending application, if any, shall also stands disposed off.

February 26, 2026

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(Pankaj Jain)

Judge