
(1985) 08 P&H CK 0054
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1612 of 1985

Lajpat Rai

APPELLANT

Vs

Sub Divisional Officer-cum-Prescribed Authority Ilaqa
Magistrate, Thanesar

RESPONDENT

Date of Decision : 19-08-1985

Acts Referred:

Citation : (1986) 1 LLR 427 : (1985) PLJ 531 : (1986) RRR 623

Hon'ble Judges : M.M.Punchhi, J

Advocate : Mr. V.J. Jain, Advocate., Advocates for appearing Parties

Judgement

M.M. Punchhi, J. (Oral)

1. This judgment shall dispose of Civil Revision Petition Nos. 1612 and 1613 of 1985.

2. The petitioner in Civil Revision No. 1613 of 1985 is the elected Sarpanch and the petitioners in Civil Revision No.1612 of 1985 are the elected Panches of the Gram Sabha of Ismailabad, tehsil Thanesar, district Kurukshetra. Their election was challenged by the contesting respondent in each respective petition before the Prescribed Authority. It appears from the decision dated 27.11.1984 of the Prescribed Authority that the election petitioner had been given a number of opportunities to produce his evidence and since he had failed to do so, it came to be observed that he was prolonging the case intentionally and not taking any interest in prosecuting the same. For that reason, the Prescribed Authority consigned the respective election petitions to the record. The election petitioner in each case moved in petitions for restoration. Notice was issued to the petitioner but somehow could not be served. Then on 16.1.1985, the respective applications for restoration were allowed in the absence of the petitioners. The petitioners filed an appeal before the District Court but the same was not entertained for the view taken that the impugned orders were revisable and it is for this reason that the petitioners are in this Court.

3. Having heard learned counsel for the parties, I am of the view that the Prescribed Authority having once ordered summoning of the petitioners to oppose the applications for restoration preferred by the election petitioners in each respective case violated not only the rules of procedure but also of natural justice in restoring the applications ex parte. Accordingly, those orders of the Prescribed Authority dated 16.1.1985 in each case are set aside leaving it open to him to redecide that application in the presence of the parties. Parties through their counsel in each case are directed to put in appearance before the Prescribed Authority on 9.9.1985. It is made clear that the petitioners shall be at liberty to raise all objections, legal and factual, as to the maintainability of the applications and the Prescribed Authority shall decide those objections in accordance with law before restoring the election petitions on his file. These petitions are allowed with the aforesaid directions.