

(1981) 03 P&H CK 0005

In the Punjab And Haryana At Chandigarh

Case No : L.P.A. No. 863 of 1980 in C.W.P. No. 2249 of 1979

Mahan Singh and Another

APPELLANT

Vs

The Executive Magistrate 1st Class and Others

RESPONDENT

Date of Decision : 26-03-1981

Acts Referred:

Citation : (1981) 3 ILR (P&H) 354

Hon'ble Judges : S.S. Sandhawalia, C.J.; S.C. Mital, J

Bench : Division Bench

Advocate : S.S. Nijjar, for the Appellant; R.L. Sharma, for the Respondent

Final Decision : Dismissed

Judgement

S.C. Mital, J.—The salient facts leading to this Letters Patent Appeal are that eight persons, including Rattan Singh, were elected as members of the Panchayat of village Cheema, Tehsil Jagraon, District Ludhiana in the State of Punjab. The electoral college for the election of the Sarpanch consisted of the said eight Panches. The contest was between Mahan Singh and Nahar Singh. The former having been elected as Sarpaneh, Nahar Singh filed an election petition according to the provisions of the Gram Panchayat Election Rules, 1960, on the ground that above-said Rattan Singh being not a duly elected Panch, casting of his vote vitiated the election of the Sarpanch. In this situation, not only Mahan Singh but also Rattan Singh was impleaded as Respondent by Nahar Singh. The objection to the maintainability of the election petition against Mahan Singh Sarpanch and Rattan Singh Panch was over ruled by the prescribed authority, trying the election petition. Feeling aggrieved, Mahan Singh and Rattan Singh filed Civil Writ Petition No. 2245 of 1979 which has been dismissed by the learned Single Judge. Hence, they have preferred the present appeal.

2. Before us also, the sole point urged is that a single petition challenging the elections of Mahan Singh Sarpanch and Rattan Singh Panch is not maintainable. Strong reliance was placed on the decision of R.S. Narula, J. (as he then was) in

Amrik Singh Warvam Singh Vs. B.S. Malik and Others, . This ruling was explained and distinguished in a Full Bench decision of this Court in Zile Singh and Others Vs. The State of Haryana and Others, . It is noteworthy that Full Bench judgment was also delivered by R.S. Narula, C.J. The provisions of Punjab Gram Panchayat Act of 1953, as amended and applied in Haryana, with regard to the mode of election of Sarpanch, are the same as in the State of Punjab. As such, learned Counsel for Mahan Singh and Rattan Singh Appellants conceded before us that the present case is covered by the above-said Full Bench decision, wherein objection to the maintainability of a single petition for setting aside the election of all the Panches was over-ruled. That being so this appeal fails and the same is hereby dismissed. The parties are, however, left to bear their own costs.

S.S. Sandhawalia, C.J.

3. I agree.