

(1994) 12 P&H CK 0019
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 16565 of 1994

Mewa Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 01-12-1994

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1995) 109 PLR 689

Hon'ble Judges : K.S. Kumaran, J; Ashok Bhan, J

Bench : Division Bench

Advocate : Anil Rathee, for the Appellant;

Final Decision : Dismissed

Judgement

Ashok Bhan and K.S. Kumaran, JJ.—Process of elections has already been put into motion and elections, if any, are to take place on 15th December, 1994. The last date of filing of nomination papers is 3rd December, 1994. The present writ petition has been filed with the allegation that Wards and voters list have not been prepared in accordance with the Rules.

2. We are not inclined to interfere in the process of elections at this stage, in view of the observations made by their Lordships of the Supreme Court in Meghraj Kothari Vs. Delimitation Commission and Others, which reads as under :-

"The objection to the delimitation of constituencies could only be entertained by the Commission before the date specified. Once the orders made by the Commission under sub sections 8 and 9 were published in the Gazette of India and in the official gazettes of the States concerned, these matters could no longer be reagitated in a Court of law. There seems to be very good reason behind such a provision. If the orders made under sub-sections 8 and 9 were not to be treated as final, the effect would be that any voter, if he so wished, could hold up an election indefinitely by questioning the delimitation of the constituencies from Court to Court."

3. In Lakshmi Charan Sen and Ors. v. A.K.M. Hassan Uzzaman and others and Election Commission and Ors. v. A.K.M. Hassan Uzzaman and others and A.K.M. Hassan Uzzaman and Ors. v. Union of India and Ors. AIR 1985 S.C. 1233 it was further held as under:-

"The fact that certain claims for inclusion of names in electoral rolls and objections relating to inclusion of certain names therein are not finally disposed of, even assuming that they are filed in accordance with law cannot arrest the process of election to the legislature. The election has to be held on the basis of the electoral roll which is in force on the last date for making nominations."

4. Dismissed.