
(2016) 05 P&H CK 0152
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 9190 of 2016

Narender Kumar	Vs	APPELLANT
State of Haryana		RESPONDENT

Date of Decision : 17-05-2016

Acts Referred:

Citation : (2016) 4 RCRCivil 91

Hon'ble Judges : Surya Kant and A.B. Chaudhari, JJ.

Bench : Division Bench

Advocate : Amit Jhanji, Advocate, for the Appellant; Vishal Garg, Additional AG, Haryana, for the Respondent

Final Decision : Allowed

Judgement

Surya Kant, J. (Oral) - The instant writ petition has been filed seeking a writ of mandamus for inclusion of names of the petitioners in the electoral roll of Ward No. 12, Municipal Committee, Ladwa, District Kurukshetra.

2. The allegations of the petitioners are that they are permanent residents of the given address and their names earlier figured in the Electoral Roll of legislative assembly at Sr. Nos. 51 & 52 including in the voter list for the Assembly election of the year 2014. The petitioners in fact exercised the franchise in the previous assembly elections. However, their names have been deleted under the garb of a fresh survey soon before the municipality elections.

3. On May 11, 2016, counsel for the parties were heard and original record summoned.

4. It is the conceded position that names of the petitioners were there in the voter list of the year 2014. The official-respondents claim that during the fresh survey, "some relative" of the petitioners informed that they have shifted to some other place and on the basis of such a reckless statement, the names of petitioners have been deleted from the voter list.

5. The manner in which the authorities are functioning in the matter of updating the electoral rolls might require a deeper probe in an appropriate case. As of now, we are satisfied that names of the petitioners have been deleted for extraneous reasons. The writ petition is accordingly allowed with costs of Rs. 10,000/-. The names of the petitioners are directed to be restored/included in the voter list of Ward No.12, Municipal Committee, Ladwa, within two days. Since the petitioners have been deprived of contesting the election for no fault on their part, we direct the (i) State Election Commission, Haryana; (ii) Principal Secretary, Urban and Local Bodies Department, Haryana and (iii) the Deputy Commissioner, Kurukshetra to invite fresh objections against deletion of names from the electoral roll by giving one day opportunity to the affected voters and thereafter re-schedule the election programme including the date for filing nomination papers so as to enable the affected persons like the petitioners to file nominations, if so desired. However, the authorities shall be at liberty to hold the elections as per the final date already notified.

6. Let a copy of this order be given dasti to Mr. Vishal Garg, Additional Advocate General, Haryana, for information and necessary action.