

CWP-6446-2025

GURJANT SINGH

V/S

S.D.M.-CUM-ELECTION TRIBUNAL & ORS.

Present:- Mr. Ramandeep, Advocate for petitioner.

Mr. Kuljit Singh, Addl.A.G., Punjab.

Mr. D.S. Virk, Advocate for respondent No.2.

Mr. G.S. Dhindsa, Advocate, for respondent No.3.

The petitioner has filed the present writ petition seeking writ of Certiorari quashing the order dated 13.02.2025 (Annexure P-8) passed by the respondent No.1-S.D.M.-CUM-ELECTION TRIBUNAL, District Patiala, ordering the recounting of votes polled for the post of Sarpanch of Village Asmanpur, Tehsil Samana, District Patiala.

2. On 07.03.2025, when the petition came up for motion hearing, Mr. D.S. Virk, Advocate had filed his Vakalatnama on behalf of respondent No.2 i.e., Lakhwinder Singh. At that stage, it was pointed out by learned counsel for respondent No.2 that Annexure P-9 (copy of Form-IX annexed with the writ petition) is a false and fabricated document.

3. While adjourning the case to 10.03.2025 (today), the learned State counsel as also the counsel for respondent No.2 were directed to file affidavit(s). Learned State counsel was also directed to file original document of aforesaid Form-IX on the date fixed.

4. Today, on resumed hearing, the State counsel has produced the original of Form-IX, a Xerox copy whereof has been retained on the record of the file and marked as 'Annexure A-1'. At the same time,

learned counsel for respondent No.2, has also produced a copy of Form-IX statedly obtained by respondent No.2 under the Right of Information Act, 2005, which has been marked as Annexure A-2 and taken on record.

5. On a parallel comparison of Annexure P-9, Annexure A-1 and Annexure A-2, it is apparent that Annexure P-9 contains the details of the candidates; votes polled to them; the result regarding their election/non election and signatures of the Presiding Officer. However, Annexures A.1 and A.2 do contain the details regarding the names of the candidates; votes polled to them and the result regarding their election/non-election and signatures of Kashmir Singh and Gurjant Singh (petitioner herein), but the same do not contain the signatures of the Presiding Officer.

6. From a bare perusal of the aforesaid documents, it is apparent that in the face of the original produced by the State counsel, it is beyond logic as to how and why the petitioner has annexed with the writ petition Annexure P-9 containing the signatures of Presiding Officer and without the signatures of the petitioner thereon.

7. This Court has taken a serious note of the conduct of the proceedings in filing the present writ petition with document Annexure P-9, which is apparently different from the original document produced by the State counsel. Thus, we are of the opinion that before proceeding further, the genuineness of document Annexure P-9 is required to be ascertained.

8. In view of the above, the Deputy Commissioner, Patiala is directed to hold an inquiry in respect of the conduct of the petitioner, who has not only filed the writ petition containing document Annexure

P-9, but has also sworn an affidavit in respect of the correctness of its contents and the documents annexed therewith. The Deputy Commissioner shall also enquire as to under what circumstances, the signatures of the Presiding Officer, are available on the document Annexure P-9 annexed with the writ petition, whereas, the same are not available in the original record produced by the State counsel.

9. Let the inquiry report be submitted by the Deputy Commissioner within a period of four weeks, so as to enable this Court to take appropriate action against the guilty person(s)/officer(s)-official(s).

10. The original of Form-IX produced by the State counsel, be returned to him under proper receipt.

11. List on 21.04.2025 under Urgent List.

12. Copy of the order be given to the State counsel under the signatures of the Reader to the Court, for onward transmission to the quarters concerned, for necessary action.

[SUDHIR SINGH]
JUDGE

[H.S. GREWAL]
JUDGE

10.03.2025
himanshu