

# Office of the Election Authority

Under J&K Panchayati Raj Act, 1989

(Chief Electoral Officer, J&K)

“Greater Participation for a Stronger Democracy”

**Subject: Countermanding of election of Sarpanch seat of Panchayat Halqa Opezwani of Block Magam, District Kupwara.**

**ORDER No. CEO/Pyt/2018/793 .**

**DATED 10-12-2018**

Whereas, one Mushtaq Ahmad Sheikh, son-in-law of Mohd. Maqbool Khan R/o Sirajpora Tehsil Handwara District Kupwara (hereinafter referred to as complainant), had approached the Additional Deputy Commissioner, Handwara with complaint of non-acceptance of his nomination forms by Returning Officer of Panchayat Halqa Opezwani (Sirajpora), Block Magam; and

Whereas, in terms of Notification dated 14<sup>th</sup> November, 2018, conduct of elections to elect Sarpanchs and Panchs for various Halqa Panchayats including **Panchayat Halqa Opezwani of Block Magam, District Kupwara** was notified; and

Whereas, District Panchayat Election Officer (Deputy Commissioner) Kupwara has, while referring to the report of the concerned Returning Officer (RO), stated that on 22-11-2018, while receiving nomination forms, at 03:00 P.M, a person assumed to be a contesting candidate approached the office of RO for filing of nomination papers but another person already present in the office objected to the same, leading to heated arguments/fight among the duo, and in the course, they tore each other's documents; and

Whereas, the report has enclosed therein photocopy of forms including affidavits filled by the complainant, one for Panch seat of Panch constituency No. 02 and another for Sarpanch seat of Panchayat Halqa Opezwani. The report also reveals that for both these Sarpanch and Panch seats there is only one candidate each left in fray however the Panch constituency No. 02 is reserved for women (open) and thus the complainant is ineligible to contest for the said Panch seat; and

Whereas, the said incident gave rise to such disturbance that it prevented the said complainant from opportunity of filing of his nomination papers within the specified time prescribed, as it was the last hour of the last date of filing of nomination papers, thereby resulted in vitiation of the election process for the Sarpanch seat of Panchayat Halqa Opezwani (Sirajpora), Block Magam, as providing free and fair opportunity to every eligible candidate to contest an election is imperative to any election process;

Now, therefore, considering the above stated report and the circumstances, in exercise of the powers conferred under section 36 of J&K Panchayati Raj Act, 1989, the election to **Sarpanch seat of Panchayat Halqa Opezwani of Block Magam, District Kupwara** is hereby countermanded.

(Shaleen Kabra) IAS  
Election Authority

Under J&K Panchayati Raj Act, 1989  
(Chief Electoral Officer, J&K)

No. 6463/CEO/Pyt/2018/5080  
Copy to:

Dated: 10-12-2018

1. District Panchayat Election Officer (Deputy Commissioner) Kupwara for information and n/a. The Sarpanch seat of Panchayat Halqa Opezwani of Block Magam, District Kupwara shall be indicated as vacant in all communications pertaining to results.