

Office of the Election Authority

Under J&K Panchayati Raj Act, 1989

(Chief Electoral Officer, J&K)

“Greater Participation for a Stronger Democracy”

Subject: Complaint by Sh. Mohan Singh R/o Village Latori, Tehsil Katra against candidature of Arjun Singh S/o Late Atma Singh for sarpanch seat in Panchayat Halqa Latori Dhanori, Block Katra, District Reasi.

ORDER No. CEO/Pyt/2018/ 752.

DATED: 09-12-2018

Whereas, a complaint was received on 22/11/18, after the date of scrutiny (20/11/18), by the Returning Officer for Sarpanch seat of Panchayat Halqa Latori against Sh Arjun Singh S/o Atma Singh requesting for verification of his nomination papers filed for Sarpanch in the said Panchayat Halqa since he was a permanent resident of village Pamote, Block Panthal, as per revenue records; and

Whereas, in his report dated 26-11-2018, District Panchayat Election Officer (Deputy Commissioner) Reasi recommended cancellation of nomination papers of Sh. Arjun Singh S/o Atma Singh on the grounds that he has been a resident of village Pamote of Panchayat Halqa Sool, Block Panthal. The report stated that he has been an ex-sarpanch of the said Panchayat (Pamote) and based on an enquiry, which included reports of the revenue department officials as well as the AERO, the concerned Electoral Registration Officer (ERO), the authority competent to register/ add/ delete an elector in the voter list, has ordered the deletion of the name of Sh. Arjun Singh S/o Atma Singh from the voter list of Panchayat Halqa Latori Dhanori; and

Whereas, the report dated 26-11-2018 revealed that Sh. Arjun Singh S/o Late Atma Singh had filed OWP No. 2348/2018, IA No. 01/2018 titled Arjun Singh versus State of J&K and others seeking, inter alia, following relief:

“i) Writ of Mandamus commanding the respondents to accept the electoral form of the petitioner for the post of Sarpanch for Panchayat Halqa Latori Dhanori for Block Katra as the petitioner is also eligible in all respects as per the mandate of Jammu and Kashmir Panchayati Raj Act, 1989 read with Jammu and Kashmir Panchayati Raj Rules, 1996.

ii) Commanding the respondents to allow the petitioner to participate in the election process for the post of Sarpanch for Panchayat Halqa Latori Dhanori Block Katra.

iii) Commanding the respondents to revive/include the name of the petitioner in the Panchayat Electoral roll 2018 for the ward No. 03 Panchayat Halqa Latori Dhanori Block Katra”; and

Whereas, the Hon’ble High Court has been pleased to dispose of the said writ petition by virtue of order dated 15-11-2018, which is reproduced as under:-

“The petitioner seeks to contest elections for the post of Sarpanch in Panchayat Latori Dhanori, Block Katra. He submits that the petitioner is being prevented by the official respondents to file his nomination paper for the post of Sarpanch despite the fact that he is eligible and his name is figuring in the electoral roll.

In view of the aforesaid submissions of the learned counsel for the petitioner, this petition is disposed of with a direction to respondents to permit the petitioner to file his nomination paper for the post of Sarpanch in Panchayat Latori Dhanori, Block Katra in accordance with rules.

Disposed of accordingly with connected IA.”; and

Whereas, the report of the DPEO (DC) Reasi further stated that due to misinterpretation of the order of the Hon'ble High Court, his nomination papers were not only allowed to be filed but had also been accepted, though he had been deleted from the electoral roll; and

Whereas, in the meantime, Sh. Arjun Singh S/o Late Atma Singh approached the Election Authority stating to be a resident of Panchayat Halqa Latori Dhanori, and as such having the right to contest the election as Sarpanch from the said Halqa; and

Whereas, in view of the above, the District Panchayat Election Officer (Deputy Commissioner) Reasi was directed to get a fresh enquiry conducted regarding the place of ordinary residence of Sh. Arjun Singh S/o Late Atma Singh, the prerequisite for being a voter of an area, and as a consequence of which, pending enquiry and decision thereof, the date of poll in the said Halqa, earlier scheduled on 08-12-2018 was postponed to 11-12-2018; and

Whereas, vide his reports dated 08/12/18, District Panchayat Election Officer (Deputy Commissioner) Reasi has recommended cancellation of nomination of Sh Arjun Singh S/o Late Atma Singh based on the findings of detailed enquiry, summarized as under:

- a) That spot visits conducted by Electoral Registration Officer (ERO) viz; Asst. Commissioner (Revenue) Reasi alongwith the SDM Katra and Tehsildar Katra apart from the concerned Patwari and Lamberdar clearly establish that Arjun Singh S/o Late Atma Singh alongwith his wife and children resides in village Pamote. Also, he neither owns landed property under his ownership/Malkiyat in village Dhanori nor stands recorded as a resident in Chowkidara register pertaining to village Dhanori.
- b) That Sh. Arjun Singh S/o Late Atma Singh got his name included in the voter list of Panchayat Halqa Latori Dhanori as the Panchayat Halqa Sool (in which he resides) had been reserved for women. However, the same was subsequently deleted by way of an order dated 10-11-2018 of the concerned ERO, based on enquiry reports of the field staff.
- c) That the PRC produced by Arjun Singh S/o Late Atma Singh in support of his claim for being an ordinary resident of Village Latori, whereunder his residence is mentioned village Latori, had been issued in 1988, which was before the settlement operations in 1997-98 wherein a part of the area of village Latori (in which Arjun Singh S/o Late Atma Singh too resides) was merged into Village Pamote.
- d) That the electricity bill produced by Sh. Arjun Singh S/o Late Atma Singh in support of his claim pertains to his shop, indicating the bill to be commercial and not residential.
- e) That opportunity of being heard was provided to Sh. Arjun Singh S/o Late Atma Singh by the ERO and also the District Panchayat Election Officer (Deputy Commissioner) Reasi and all documents in this regard were perused.



Whereas, on examination of the above stated reports and the relevant documents, it is concluded that the *place of ordinary residence* of Sh. Arjun Singh S/o Late Atma Singh is village Pamote of Panchayat Halqa Sool, Block Panthal and not village Dhanori of Panchayat Halqa Latori Dhanori and, therefore, he has been rightly deleted from the electoral roll of Panchayat Halqa Latori Dhanori, Block Katra. Further, this implies that under section 6 (2) of J&K Panchayati Raj Act, 1989, he is disqualified to contest elections for sarpanch seat of Panchayat Halqa Latori Dhanori, Block Katra;

Now, therefore, in view of the above stated factual position, and in due consideration of the directions of the Hon'ble High Court to act in accordance with rules, the nomination of Sh. Arjun Singh S/o Late Atma Singh for the Sarpanch seat of Panchayat Halqa Latori Dhanori, Block Katra is hereby ordered to be cancelled.



Shaleen Kabra) IAS
Election Authority
Under J&K Panchayati Raj Act, 1989
(Chief Electoral Officer, J&K)

No. **6463/CEO/Pyt/2018/ 5076-77**

Dated: 09-12-2018

Copy to:

1. District Panchayat Election Officer (Deputy Commissioner) Reasi for information and compliance.
2. R.O concerned for information and compliance.