

Office of the Election Authority

Under J&K Panchayati Raj Act, 1989

(Chief Electoral Officer, J&K)

“Greater Participation for a Stronger Democracy”

Subject: Appeal titled Mushtaq Ahmad Bhat versus Returning Officer, Sarpanch Constituency, Behota Lower Block Marmat, Doda and others.

ORDER No.: CEO/Pyt/2018/722

DATED: 22 -11-2018

Whereas, the appellant preferred to file the aforesaid appeal seeking quashment of order No. ENT/D/18/3645-47 dated 12-11-2018 passed by respondent No. 02 (Electoral Registration Officer, Doda) and also sought to allow the appellant to contest the panchayat elections as Sarpanch from **Panchayat Halqa Behota Lower**; and

Whereas, report in the matter was sought and also principle of *audi alterum partem* was duly followed by way of providing opportunity of hearing to the petitioner in the instant matter through his Counsel; and

Whereas, a report has also been received from the District Panchayat Election Officer, (Deputy Commissioner) Doda accompanied with relevant documents; and

Whereas, after hearing the Ld. Counsel for petitioner and upon perusal of the records, it is revealed that that the petitioner was registered as voter at both the Panchayats i.e, Panchayat Halqa Upper-Behota as well as Panchayat Halqa Behota Lower; however his name has been deleted in the supplementary list of electoral roll of Panchayat Lower Behota without giving any opportunity of being heard and as a sequel thereto, his nomination as Sarpanch for Halqa Panchayat Behota Lower was rejected by concerned Returning Officer. It has been reported that the appellant as well as his family has dwelling units as well as land ownership in both the Panchayats. As such, he should have been provided an opportunity for enrollment as voter on the electoral roll of any of the two Panchayats, which otherwise was not provided. During hearing, the appellant has expressed to be enrolled in Panchayat Halqa Behota Lower, Block Marmat, District Doda; and

Whereas, it is apparent that the rejection of nomination of the appellant as Sarpanch for Panchayat Halqa Behota Lower, Block Marmat, was improper and as a result, the election process of Sarpanch seat for Panchayat Halqa Behota Lower from the date of scrutiny onwards has got vitiated;

Now, therefore, consequent upon the above and taking into consideration the factual matrix, the undersigned hereby orders as under:-

1. that the order No. ENT/D/18/3645-47 dated 12-11-2018 passed by concerned Electoral Registration Officer is set aside and the name of the appellant Mushtaq Ahmad Bhat S/o Sher Mohd. Bhat shall be included in the electoral roll/voter list of Panchayat Halqa Behota Lower and simultaneously deleted from the Electoral Roll of Panchayat Halqa Upper Behota, Block Marmat, District Doda.
2. that the rejection being improper, therefore, the election process, right from the scrutiny of nominations onwards, for Sarpanch seat for **Halqa Panchayat Behota Lower, Block Marmat**, District Doda, shall be taken afresh and various dates, in this regard, shall be notified separately by way of issuance of a fresh notification.



(Shaleen Kabra) IAS
Election Authority

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

No. 6463/CEO/Pyt/2018/3905
Copy to:

Dated: 22-11-2018

District Panchayat Election Officer (Deputy Commissioner) Doda for information and n/a.