

State of Haryana and anr. Vs. Surjit Singh and ors.

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Court : Supreme Court of India

Decided On : Feb-01-2000

Reported in : JT2000(7)SC320; (2000)3UPLBEC2156

Judge : A.S. Anand, C.J.,; S. Rajendra Babu and; Doraiswamy, JJ

Appeal No. : Civil Appeal Nos. 772 to 773 of 2000 (Arising out of SLP (C) Nos. 1598-1599 of 2000) with Civil Appe

Appellant : State of Haryana and anr.

Respondent : Surjit Singh and ors.

Judgement :
ORDER

Dr. A.S. Anand, C.J.I.

1. Leave granted in all the appeals.
2. Learned counsel for the parties are present before us and they waive notice. This order shall dispose of all the aforesaid appeals.
3. The controversy in these appeals, which have put in issue the judgment and order of the High Court dated 27th December, 1999 and the order dated 21st January, 2000 made in Review Application, revolves around the holding of the elections to the Municipal Councils, Municipal Committees and Municipal

Corporation, Faridabad as also to the Gram Panchayats, Panchayat Samitis and Zila Parishads.

4. In view of the developments, which have taken place in this Court and the additional affidavit which has been filed in response to the direction given to the State by Shri Hardeep Kumar, Joint Secretary-cum-Director, Development and Panchayats Department, Haryana, we are relieved of the necessity to trace the history of the litigation. Suffice it to notice that the High Court through the impugned orders directed the State Government and the State Election Commission to hold elections to the Gram Panchayats, Panchayat Samitis, Zila Parishads as well as the Municipalities etc. by the end of February, 2000, except for those Municipalities etc. which were left out in the order of the High Court itself.

5. Mr. Sarin, learned Advocate General, appearing for the State, submits that because of the Assembly elections which have been necessitated on account of the dissolution of the Assembly and the polling for which is scheduled to take place on 22nd February, 2000, it is not possible for the State or the State Election Commission to hold the elections to the Panchayat Samitis etc. by the end of February, 2000, as directed by the High Court and that some more time is required for the purpose. Mr. Harbhagwan Singh, learned senior Counsel appearing for the Respondents submits that the State has been dragging its feet and not holding the elections without any justification.

6. We quite appreciate the difficulty expressed by the State in view of the forthcoming Assembly elections. The State Election Commission as well as the State of Haryana have, in response to directions issued by this Court, submitted a tentative time schedule for holding of the elections to the Municipal Councils and Panchayat Samitis etc. along with the affidavit of Shri Hardeep Kumar. We have perused the same. We are of the considered opinion that the democratic process of election should not be postponed unduly and though the State should be given some more time to complete the election process, the time suggested in the schedule is not reasonable.

7. We, therefore, with the consent of learned Counsel for all the parties, direct that the State and the State Election Commission shall hold elections to the Gram

Panchayats etc. and complete the process of holding elections, wherever poll is required to be held, on or before 31st March, 2000. The State and the Election Commission shall also hold elections to the Municipal Councils etc. and complete the process by holding the polls, wherever required, by the 7th of April, 2000.

8. The State as well as the State Election Commission shall accordingly take all appropriate preparatory steps connected with the holding of the elections like issuance of notification etc., accordingly so that the polls, wherever necessary, are held by 31st of March, 2000 in the case of Panchayat Samitis etc. and by 7th of April, 2000 in the case of Municipalities etc. The learned Advocate General appearing for the State of Haryana and Mr. Ravinder Bana, learned Counsel appearing for the State Election Commission assure us that the needful shall be done by the dates as given by us.

9. The impugned order of the High Court to that extent shall, therefore, stand modified.

10. We clarify that we have not expressed any opinion with regard to the alleged strictures passed against the State or its officials and it is open to the concerned party to approach the High Court for expunging of such remarks and the High Court shall decide those applications, if made, so uninfluenced by the order made by us today.

11. We are informed that some contempt proceedings have also been initiated by the High Court arising out of the impugned orders. Those proceedings may be decided by the High Court, keeping in view the consent order made by us today.

12. With the above modification of the impugned order and the directions, all the appeals are disposed of. The parties shall, however, bear their own costs insofar as these appeals are concerned.