

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPMS/1520/2026</u></p> <p>Shailesh Chandra --Petitioner</p> <p style="text-align: center;">Versus</p> <p>Kamal Singh Rawat --Respondent</p> <p><u>Hon'ble Manoj Kumar Tiwari, J</u></p> <p>1. Mr. Shobhit Saharia, learned counsel for the petitioner.</p> <p>2. Mr. Gajendra Tripathi, learned Standing Counsel for the State of Uttarakhand.</p> <p>3. Mr. M.S. Pal, learned Senior Counsel assisted by Mr. B.S. Adhikari, learned counsel for the caveator-respondent no. 1.</p> <p>4. Mr. Sanjay Bhatt, learned counsel for the respondent.</p> <p>5. Petitioner was elected as Member, Zila Panchayat, Champawat from Ward No. 12, Bhandarbora in the month of July 2025. His election was challenged by respondent no. 1 in an election petition filed under Section 131(H)(10) of The Uttarakhand Panchayati Raj Act, 2016. The election petition filed by respondent no. 1 was allowed and election of petitioner was set aside by Election Tribunal/District Judge, Champawat vide judgment dated 12.05.2026, which is under challenge this writ petition.</p> <p>6. It is contended on behalf of the petitioner that the only ground taken for challenging his election was that there was difference in the number of ballots, which were put in the ballot boxes after voting on 28.07.2025, vis-a-vis, the</p>

		<p>number of ballots/votes, which were found upon opening the ballot boxes. The relevant pleadings have been made in para 11 & 12 of the election petition; conjoint reading of these two paragraphs reveal that respondent no. 1 alleged that total 6719 votes were casts for the post of Member, Zila Panchayat for Ward No. 12; however, upon opening the ballot boxes, it was found that there are as many as 6865 votes, thus there were extra votes found in the ballot box to the extent of 146 votes.</p> <p>7. Based on the pleadings made by parties four issues were framed by learned District Judge, English translation whereof is reproduced below: -</p> <p>(i) Whether there was irregularity committed in the counting of votes for the post of Member, Zila Panchayat from Ward No. 12, Bhandarbora in the three tier Panchayat Election held in 2025? If yes, then its effect?</p> <p>(ii) Whether respondent no. 3 was wrongly declared as elected?</p> <p>(iii) Whether recounting of votes for the post of Member, Zila Panchayat, from Ward No. 12 Bhandarbora, can be ordered based on the grounds taken in the election petition? If yes, then its effect?</p> <p>(iv) Whether petitioner is entitled to any relief?</p> <p>8. Learned counsel for the petitioner submits that Returning Officer was the best person to give reply to the allegations made in para 11 & 12 of the election petition; Returning Officer was impleaded as respondent no. 2 in the election petition and he in para 5 of his written statement stated that total 6865 persons had exercised their voting right for the post of Member, Zila Panchayat from Ward No. 12; however, 278 votes were declared to be invalid and only 6587 votes were found to be valid.</p> <p>9. In para 11 of the written statement filed by Returning Officer, it was reiterated that even though 6865 persons had exercised their voting right, only 6587 votes were found to be valid.</p> <p>10. Learned counsel for the petitioner</p>
--	--	---

		<p>contends that Returning Officer had categorically denied the allegation made in para 11 & 12 of the election petition, however, learned District Judge allowed the election petition by holding that purity of election process was compromised due to increase in the number of votes found in the ballot box. He submits that neither Returning Officer nor any other Officer responsible for holding election was examined by learned District Judge, and in fact, there was no witness examined except the election petitioner. It is thus contended that learned District Judge decided the election petition in a cursory manner and set aside the election of the petitioner, without there being any material to form the opinion that petitioner was wrongly declared as elected.</p> <p>11. Learned counsel for the petitioner has also questioned use of the expression "परिशिष्ट-7" (Appendix-7) and "परिशिष्ट-8" (Appendix-8) in the impugned judgment by contending that Uttarakhand Panchayati Raj Act does not use such expression. It is also contended that learned District Judge went astray in himself examining the valid and invalid votes.</p> <p>12. Learned counsel for the petitioner contends that one of the issues framed was "whether it is a fit case for recounting of votes", but instead of considering recounting, election of returned candidate was set aside, without any valid reason.</p> <p>13. Learned counsel for the petitioner further submits that even though learned District Judge has referred to some document in para 15 of the impugned judgment, however, that document was neither proved nor marked as exhibit, during proceedings of the election petition.</p> <p>14. This Court is <i>prima facie</i> satisfied that learned District Judge erred in allowing election petition filed by respondent no. 3, without examining Returning Officer as witness, especially when Returning Officer denied the</p>
--	--	--

allegation made in the election petition that more ballots were found in the ballot box than the number of persons, who exercised their voting right.

15. List this case on 14.07.2026 for disposal.

16. In the meantime, counter affidavit, if any, be filed by the respondents.

17. In the meantime, effect and operation of the order dated 12.05.2026 passed by learned District Judge, Champawat in Election Petition No. 03 of 2025 shall remain stayed.

18. Stay application (IA No. 1 of 2026) stands disposed of.

WPMS No. 1701 of 2026

1. Mr. M.S. Pal, learned Senior Counsel assisted by Mr. B.S. Adhikari, learned counsel for the petitioner.

2. Mr. Shobhit Saharia, learned counsel for respondent no. 1.

3. Mr. Gajendra Tripathi, learned Standing Counsel for the State of Uttarakhand.

4. Mr. Sanjay Bhatt, learned counsel for the respondent.

5. List this case on 14.07.2026.

6. In the meantime, respondents may file counter affidavit(s), if any.

(Manoj Kumar Tiwari, J)

09.06.2026

Aswal