

Iqbal Singh

Vs

G. S. Badal and Others

Civil Appeal No. 1150 of 1971

(G.K.Mitter, A.N.Grover JJ)

12.04.1972

JUDGMENT

GROVER, J. -

1. This appeal from a judgment of the Punjab and Haryana High Court which is directed against an order of the Chief Election Commissioner allowing inspection in terms of Rule 93 of the Conduct of Election Rules, 1961, shall stand disposed of in the following manner:
2. Counsel for the appellant and the contesting respondent who is the returned candidate agree that the order of the Chief Election Commissioner, dated March 15, 1971, would be set aside on the ground that no reasons have been recorded in that order as required by Rule 93 of the Conduct of Election Rules, 1961. The formal order of March 16, 1971 shall also stand set aside as not being the order of the Chief Election Commissioner. This will, however, be without prejudice to the right of the appellant to seek an order of inspection of the ballot papers and the electoral rolls used for the Lok Sabha Parliamentary election of the Fazilka constituency held in March, 1971 and/or any recount in the election petition filed by the appellant challenging the said election and now pending in the Punjab and Haryana High Court in accordance with the law laid down by this Court, in particular, the decision reported in *Jitendra Bahadur Singh v. Krishna Behari and Others* (1969 (2) SCC 0433 : 1970 (1) SCR 0852 : AIR 1970 SC 0276 : 1970 (1) SCJ 0353.), as also any changes in the provisions of the Representation of People Act or the Conduct of Election Rules and any directions legally issued by the Chief Election Commissioner, either under the aforesaid Act or the Rules. An appropriate issue with regard to inspection etc., has already been framed by the High Court in the election petition. Let the costs be costs in the election petition.

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