

ITEM NO.48

COURT NO.1

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).2998/2024

(Arising out of impugned final judgment and order dated 31-01-2024 in CWP No. 2169/2024 passed by the High Court of Punjab & Haryana at Chandigarh)

KULDEEP KUMAR

Petitioner(s)

VERSUS

U.T. CHANDIGARH & ORS.

Respondent(s)

(WITH IA No. 28975/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 28977/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 05-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Gurmeet Singh, Sr. Adv.
Mr. Shadan Farasat, Adv.
Mr. Talha Abdul Rahman, AOR
Mr. Amit Bhandari, Adv.
Mr. Sidharth Seem, Adv.
Mr. Abhishek Babbar, Adv.
Mr. Harshit Anand, Adv.
Mr. Ramanpreet Bara, Adv.
Mr. Karman Singh, Adv.
Mr. Aman Naqvi, Adv.
Mr. M. Shaz Khan, Adv.
Mr. Adnan Yousuf, Adv.

For Respondent(s) Mr. Tushar Mehta, SG

Mr. Maninder Singh, Sr. Adv.
Ms. Bansuri Swaraj, Adv.
Mr. Siddhesh Shirish Kotwal, AOR
Mr. Prateek Gupta, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Mr. Tejasvi Gupta, Adv.
Mr. Pawan Upadhyay, Adv.
Mr. T. Illayarasu, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Issue notice.
- 2 Pursuant to the interim order of the High Court in an earlier writ petition, the proceedings for conducting the election to the Post of Mayor of the Chandigarh Municipal Corporation were videographed. During the course of the hearing, the video has been played in Court.
- 3 The Returning Officer shall remain present before this Court on the next date of listing to explain his conduct as it appears in the video.
- 4 *Prima facie*, at this stage, we are of the considered view that an appropriate interim order was warranted, which the High Court has failed to pass, in order to protect the purity and sanctity of the electoral process.
- 5 We direct that the entire record pertaining to the election of the Mayor of the Chandigarh Municipal Corporation shall be sequestered under the custody of the Registrar General of the High Court of Punjab and Haryana. This shall include:
- (i) The ballot papers;
 - (ii) Videography of the entire electoral process; and
 - (iii) All other material in the custody of the Returning Officer.
- 6 This exercise shall be carried out forthwith by 5 pm this evening.
- 7 Mr Tushar Mehta, Solicitor General appearing on behalf of the Returning Officer, states that the Returning Officer has handed over the entire record in a sealed format to the Deputy Commissioner, UT Chandigarh on 30 January 2024.

- 8 The Deputy Commissioner, UT Chandigarh, shall comply with the above direction by handing over the entirety of the record to the Registrar General of the High Court of Punjab and Haryana for safe keeping and custody.
- 9 The ensuing meeting of the Chandigarh Municipal Corporation, which is to take place on 7 February 2024, shall stand deferred, pending further orders of this Court.
- 10 List the Special Leave Petition on 19 February 2024.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR