



राज्य निर्वाचन आयोग हिमाचल प्रदेश

STATE ELECTION COMMISSION HIMACHAL PRADESH

आर्मसडेल, शिमला-171002 Armsdale, Shimla-171002 Tel. 0177-2620152, Fax. 2620152, Email: secysec-hp@nic.in

No. SEC-15-15-07-

Dated

the

29th December, 2020

To

All the District Election Officers (Municipalities/Panchayats)
-cum- Deputy Commissioners
Himachal Pradesh.

Subject: -

Disqualification on account of encroachment.

Sir/Madam,

The matter regarding disqualification of those persons who have encroached upon land described under Section 16(1)(c) of the H.P. Municipal Act, 1994 and applied for regularization of encroachment was considered in the Commission. Keeping in view various pronouncements by the Hon'ble High Court of Himachal Pradesh the Commission has decided that such persons shall be disqualified to contest the elections.

Further the Hon'ble High Court in CWP No. 921 of 2019 titled as Ram Lal vs State of H.P. has observed as under:-

“Section 122(1)(c) merely speaks about encroachment and not about either the removal of encroachment or the declaration of encroachment. They are extraneous to Section 122(1)(c). The language employed in clause(c) of sub-section (1) of section 122 is “has encroached upon”. The section does not use the expression “has been declared to be an encroacher”.

You may decide such matters accordingly. These disqualifications shall also be applicable in respect of elections to Panchayats under Section 122 (1)(c) of the Panchayati Raj Act.

Yours faithfully

Secretary
State Election Commission
Himachal Pradesh.

Endst. No. SEC-15-15-07-9001-9013 Dated

the

29th December, 2020

Copy to:-

1. All the Assistant District Election Officers (Panchayats) cum DPOs with the direction to bring this information into the notice of all ROs/AROs urgently.
2. Returning Officer (Municipality)-cum-SDO(c) Theog, Shimla w.r.t their letter No. THG/MA(Election-2020)/2020-2925-26 for information and necessary action.

Naikoni
Secretary 29.12.20
State Election Commission
Himachal Pradesh.