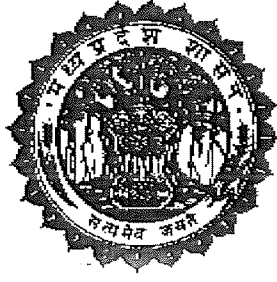


इसे वेबसाइट www.govtpress.mp.gov.in
से भी डाउन लोड किया जा सकता है.



मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 306]

भोपाल, शुक्रवार, दिनांक 7 नवम्बर 2025—कार्तिक 16, शक 1947

विधि एवं विधायी (निर्वाचन) कार्य विभाग

भोपाल, दिनांक 7 नवम्बर 2025

फा.क्र. EP.03—2024—चार—वि.निर्वा.—89.— भारत निर्वाचन आयोग की अधिसूचना क्रमांक. 82— म.प्र.—वि.स.—(3—2024) 2025, दिनांक 24 अक्टूबर 2025 सर्वसाधारण की जानकारी हेतु प्रकाशित की जाती है.

रामप्रताप सिंह जादौन, अपर सचिव.

भारत निर्वाचन आयोग

निर्वाचन सदन, अशोक रोड, नई दिल्ली—110 001

नई दिल्ली, तारीख 24 अक्टूबर, 2025 — 2 कार्तिक, 1947 (शक)

अधिसूचना

संख्या : 82— म.प्र.—वि.स.—(3—2024) 2025.— लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, निर्वाचन आयोग वर्ष, 2024 की निर्वाचक याचिका सं. 3 में पारित मध्यप्रदेश उच्च न्यायालय (जबलपुर बेंच) के दिनांक 21 जुलाई 2025 के निर्णय/आदेश को एतद्वारा प्रकाशित करता है (अमोल विरुद्ध सीता सरन शर्मा).

आदेश से,
हस्ता./—
(बिनोद कुमार)
सचिव,
भारत निर्वाचन आयोग.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi - 110 001

New Delhi, Dated 24th October, 2025 - 2 Kartika, 1947 (Saka)**NOTIFICATION**

No. 82/MP-LA/(3/2024)/2025:- In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Judgement Order dated 21st July, 2025 of the Hon'ble High Court of Madhya Pradesh (Jabalpur Bench) passed in the Election Petition No. 3 of 2024 (Amol Vs. Sita Saran Sharma).

**IN THE HIGH COURT OF MADHYA PRADESH, PRINCIPAL
SEAT AT JABALPUR**

ELECTION PETITION NO. 3...../2024

PETITIONER

Amol, Aged about 45 years S/o
Shri Om Prakash (Upadhyay),
Occupation Business, R/o
58/1, Gopal Nagar, Ward
no.13, Itarsi, Tahsil Itarsi,
Hoshangabad, District
Narmadapuram (M.P.)

Versus

RESPONDENT

Shri Sita Sharan Sharma Aged
about 73 years S/o Shri Ram
Lal Sharma, at Present
Member of Legislative
Assembly R/o Jo1,
Vipin Joshi Marg, Ward No.29, Itarsi,
Tahsil Itarsi, Hoshangabad
District Narmadapuram, M.P.

**PETITION UNDER SECTIONS 80 & 81 OF THE REPRESENTATION
OF PEOPLE ACT, 1951.**

The above named petitioner respectfully submits as under:

1. That, by way of instant petition, the petitioner is challenging the election of the respondent from Legislative Assembly Constituency-137, Hoshangabad, hereinafter called as the constituency held in the year 2023 as authorized and sponsored candidate of Bhartiya Janta Party with the symbol of Lotus (Kamal)

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL**

ELECTION PETITION No. 3 of 2024

AMOL

Versus

SHRI SITA SHARAN SHARMA

Appearance:

Shri Radheshyam Tiwari - Advocate for the petitioner.

Shri Gyanendra Singh Baghel and Shri Krishna Chandel and Aakash Malpani- Advocates for the respondent.

Reserved on :: 25.06.2025

Pronounced on :: 21.07.2025

ORDER

This election petition has been preferred by the petitioner being aggrieved by the election of respondent on the post of Member of Legislative Assembly from constituency 137 of Hoshangabad (M.P.).

2. Challenge to the election of the respondent has been made mainly on the ground that while filing the nomination form, the respondent did not disclose certain properties owned by the respondent, his wife and dependent daughters, regarding which, the petitioner has filed Khasra entries from page no.39 to 60. As such the nomination paper filed by the respondent ought to have been rejected by the Returning Officer.

3. By filing application under Order VII Rule 11 CPC, the respondent has contended that the petitioner has unnecessarily filed instant election petition having no cause of action because the properties which have been shown by the petitioner as not disclosed by the respondent in the affidavit (Annexure P/3) filed along with nomination paper, are not exclusively owned by respondent and ~~his wife~~. It is also contended that daughters being married are not dependents on

the respondent. He submits that the petitioner himself has not followed the mandatory provisions of Section 81, 82, 83, 86 and 117 of the Representation of the People Act, 1951 (in short 'the Act of 1951'). By taking this Court to the section 83(1)(a) of the Act he submits that the source of knowledge about non-disclosure of assets, has not been mentioned. Placing reliance on the order dtd. 27.03.2003 (Annexure R/1) issued by Election Commission of India, he submits that even on the basis of non-disclosure of correct information, nomination paper cannot be rejected because the affidavit furnished under Rule 4-A of the Conduct of Election Rules, 1961 in form 26 is a part of nomination paper and if the candidate fails to file said affidavit or furnishes incorrect particulars in said affidavit, the nomination paper of such candidate can be rejected, but so far as affidavit regarding disclosure of property and assets is concerned, same is not a part of nomination paper and due to such lacking no nomination paper should be rejected. With these submissions and taking aid of several decisions he submits that the petitioner in the entire election petition has not stated anything as to how the election was affected due to non-disclosure of assets. He submits that the question being raised by the petitioner in the election petition, can be decided upon consideration of khasra entries (filed at page no.39 to 60) that too without recording oral evidence, which would also save time and money of the parties. In support of his submissions, learned counsel for the respondent placed reliance on the decision of Hon'ble Supreme Court in the case of Karikho Kri vs. Nuney Tayang and another, 2024 SCC OnLine SC 519 as well as on the decisions of two coordinate Benches of this Court in the case of Rasal Singh v. Dr. Govind Singh, 2020 (3) JLJ 213; and Ramgarib and others vs. Ajay Arjun Singh, E.P No.6 of 2024 (decided on 22.08.2024). With these submissions, he prays for allowing the application under Order VII Rule 11 CPC.

4. Learned counsel for the petitioner supporting the averments made in reply to the application, submits that the question being raised by way of application under Order VII Rule 11 CPC cannot be decided without recording

evidence of the parties and the documents/khasra entries filed at page no.39 to 60 are sufficient to hold that the respondent did not disclose the properties owned by him, his wife and two dependent daughters. In support of his submissions learned counsel placed reliance on a decision of Hon'ble Supreme Court in the case of Lok Prahari through its General Secretary S.N. Shukla vs. Union of India, (2018) 4 SCC 699. With these submissions, he prays for dismissal of the application under Order VII Rule 11 CPC.

5. Heard learned counsel for the parties and perused the record.

6. Because there is no dispute about authenticity or veracity of the khasra entries filed by the petitioner at page no.39 to 60, therefore, the question being raised in the election petition as well as by way of application under Order VII Rule 11 CPC can be decided and being decided by taking into consideration the pleadings made in the petition as well as khasra entries one by one :-

(a) Khasra entries filed at page no.39 to 42 are of the year 2023-24 (Annexure P/5) which are in relation to lands survey nos. 949, 1503, 1826 and 1828, from which it is clear that this land is not owned by the respondent-Sita Sharan Sharma, but is his joint family property, in which he is having some share.

(b) Khasra entry filed at page no.43 is of the year 2023-24 (Annexure P/6) which is in relation to lands survey nos. 249/2 and 250, from which it is clear that this land is not owned by the respondent-Sita Sharan Sharma, but is the property of Pandit Ramlal Sharma Shodh Sansthan Trust, Hoshangabad of which respondent-Sita Sharan Sharma is Manager.

(c) Khasra entries filed at page no. 44 to 46 are of the year 2023-24 (Annexure P/7 and P/8) which are in relation to lands survey nos. 15/35 admeasuring 900 sq.ft., 17/1/66/1 admeasuring 514 sq.ft. and 17/3/16 admeasuring 2328 sq.ft. from which it is clear that this land belongs to Kalpana Sharma and Sita Sharan Sharma but has already been transferred, which is clear from the registered sale deeds produced before this Court by the respondent and not disputed by the petitioner.

(d) Khasra entry filed at page no.47 is of the year 2023-24 (Annexure P/9) which is in relation to land survey no.480, from which it is clear that this land is not owned by the respondent-Sita Sharan Sharma, but belongs to one Premwati and she has no connection with the family of the respondent.

(e) Khasra entry filed at page no. 48 is of the year 2023-24 (Annexure P/10) which is in relation to land survey nos.17/3/1 from which it is clear that this land is not owned by the respondent-Sita Sharan Sharma, but belongs to M/s Unity Pulp and Papers Kheda Itarsi in which wife of the respondent has been shown as partner and is not exclusive property of respondent's wife Kalpana Sharma.

(f) Khasra entry filed at page no. 49 is of the year 2023-24 (Annexure P/11) which is in relation to lands survey nos. 33/10, 35/10, 37/6, 38/6, 40/6, 41/6, 42/6 and 43/6 from which it is clear that this land is not owned by the respondent-Sita Sharan Sharma, but belongs to M/s Unity Developers in which wife of the respondent has been shown as partner and is not exclusive property of respondent's wife Kalpana Sharma.

(g) Khasra entry filed at page no. 50 is of the year 2023-24 (Annexure P/12) which is in relation to lands survey nos. 33/5, 35/5, 37/2, 38/2, 40/2, 41/2, 42/2, 43/2, 33/6, 35/6, 37/3, 38/3, 40/3, 41/3, 42/3, 43/3 from which it is clear that this land is not owned by the respondent-Sita Sharan Sharma, but belongs to M/s Unity Developers in which wife of the respondent has been shown as partner and is not exclusive property of respondent's wife Kalpana Sharma.

(h) Khasra entries filed at page no. 51 to 54 are of the year 2023-24 (Annexure P/13) which are in relation to lands survey nos. 32/1, 39/1, 41/1, 56/1, 88/1, 88/1-0.328 and 89/1-0.344 (total area 0.6720 Hectare), 126/3, 140/1, 162/1, 575, 577, 579 and 580/2653, from which it is clear that this land is not owned by the respondent-Sita Sharan Sharma, but belongs to his married daughter Smt. Priyanka, who is not dependent on the respondent.

(i) Khasra entries filed at page no.55 to 58 are of the year 2023-24 (Annexure P/14) which are in relation to lands survey nos.582, 584, 587, 970, 972, 32/2, 39/3, 41/2, 56/2, 88/2, 88/2-0.328 and 89/2-0.344 (total area 0.6720 Hectare) , 126/4, 140/8 and 162/2 from which it is clear that this land is not owned by the respondent-Sita Sharan Sharma, but belongs to his another married daughter Smt. Pragya, and she is also not dependent on the respondent.

(j) Khasra entry filed at page no.59 is of the year 2023-24 (Annexure P/15) which is in relation to lands survey nos. 2356 and 2358, from which it is clear that this land is not owned by the respondent-Sita Sharan Sharma, but belongs to Shri Ramchandraj Mandir, of which respondent-Sita Sharan Sharma is Sarwaharakar and Collector is shown as Prabandhak.

(k) Khasra entry filed at page no.60 is of the year 2023-24 (Annexure P/16) which is in relation to land survey nos.51, from which it is clear that this land is not owned by the respondent-Sita Sharan Sharma, but belongs to Shri Durgaji Pujan of which trustee is respondent-Sita Sharan Sharma and Prabandhak is shown as Collector.

7. From the aforesaid, it is clear that the respondent and his wife are not exclusive owners of the said properties shown in khasra entries (Annexure P/5 to P/16) and the daughters of the respondent being married, are not dependents on him. Properties described as Survey no. 1818, 1821, 1823 and 1825 in Khasra of the year 2023-24 (Annexure P/4) filed at page no. 38, are already disclosed under ownership of the respondent, as is clear from page 31 of Annexure P/3, so this Annexure P/4 has wrongly been filed.

8. Perusal of memo of petition shows that the petitioner in his petition has tried to say that the respondent has concealed and suppressed the properties as well as income derived from the same, as shown in Annexure P/5 to P/16 and the Returning Officer has improperly accepted the nomination paper of the respondent and on account of improperly acceptance of nomination of respondent, he succeeded in contesting the assembly election from constituency 137, Hoshangabad, which has also affected the result of election substantially and materially and except this, no other allegation/pleading regarding the method and manner of affecting the election, has been made in the memo of petition.

9. After taking into consideration the decision of Hon'ble Supreme Court in the case of Lok Prahari (*supra*), a coordinate Bench of this Court in identical set of facts, in the case of Rasal Singh v. Dr. Govind Singh, 2020 (3) JLL 213 has extensively considered the legal position about non-disclosure of assets and its consequences, but in absence of pleadings in the petition to the effect as to how the election/result was affected due to non-disclosure of assets, dismissed/rejected the petition under Order VII Rule 11(a) of CPC as it does not disclose material facts required under Section 83(1)(a) of the Act of 1951.

10. Upon perusal of entire election petition it is clear that the petitioner has not come with the case that by suppressing the said properties, the respondent had projected himself to be a poor person and got affected the election and won it, therefore, non-disclosure of the said properties cannot be considered sufficient to declare/cancel the election as illegal/void. It is also well settled that in absence of pleadings, evidence cannot be considered, therefore, no fruitful purpose would be served by framing the issues and by fixing the case for adducing evidence.

11. It is also pertinent to mention here that case of the petitioner is based solely on the khasra entries, which are also not documents of title, as has been held by Hon'ble Supreme Court in case of Union of India and others v. Vasavi Co-op. Housing Society Ltd. and others, (2014) 2 SCC 269.

12. Resultantly, by allowing the application under Order VII Rule 11 CPC, instant election petition is **dismissed**.

13. However, no order as to the costs.

14. Pending application(s), if any, shall also stand disposed of.

Sd./-

(DWARKA DHISH BANSAL)

Judge.

By order,

Sd. /-

(BINOD KUMAR)

Secretary

Election Commission of India