

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 15710 of 2013 (O&M)
Date of Decision : 29.10.2015.**

Rajwant Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) *Whether Reporters of the local papers may be allowed to see the judgment?*
- 2) *To be referred to the Reporters or not?*
- 3) *Whether the judgment should be reported in the Digest?*

Present: Mr. M.S. Gill, Advocate for the petitioner.

Mr. Suresh Singla, Addl. A.G., Punjab.

Mr. N.P.S. Mann, Advocate for respondent No. 5.

Mr. R.S. Chahal, Advocate for respondent No. 6.

Paramjeet Singh, J.(Oral)

The instant writ petition has been filed for setting-aside the action of the returning Officer, whereby he has recorded the proceedings in Form-9 and declared respondent No. 6 as the successful candidate in complete violation of the statutory provisions of the Punjab State Election Commission Act, 1994 (hereinafter referred to as 'the Act').

Learned counsel for the respondent No.6 has raised a preliminary objection that since Election Petition lies under Section 74 of the Act, the present writ petition is not maintainable.

Since the petitioner has been pursuing her remedy before this Court, she can be permitted to withdraw this petition with liberty to file the election petition in view of provisions of the Act.

Learned counsel for the respondents state that they will not raise the objection of limitation in filing the election petition and it may be decided on merit.

In view of the above, the present petition is dismissed as withdrawn with liberty to file the election petition in view of the provisions of the Act. If the election petition is filed within a period of one month from today, the same shall be decided on merit in accordance with law without going into the issue of limitation, as per the consent given by the counsel for the respondents.

October 29, 2015.
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(PARAMJEET SINGH)
JUDGE