

CWP-15909-2014

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

CWP-15909-2014

Date of Decision: 18.09.2015

Harjeet Singh

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Mansur Ali, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, Addl. A. G. Punjab.

Mr. Vivek Chauhan, Advocate,
for respondent No.8.

Paramjeet Singh, J. (Oral)

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of direction to respondent Nos.1 to 7 to take action with regard to the inquiries (Annexures P-2, P-5, P-10- to 12, P-15, P-18, P-19 and P-21) in view of fraud committed by respondent No.8.

Learned counsel for the petitioner submits that instant petition has been filed on the ground that respondent No.8 is a citizen of Canada and he cannot contest the elections in India, as such his election as a Sarpanch is bad in the eyes of law. He further submits that even though remedy of filing election petition is available to the petitioner, but the petitioner can approach straightway this Court under writ

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jurisdiction as issue involved in this petition is with regard to the citizenship of a person elected for the post of Sarpanch. He further relies upon enquiry report (Annexure P-15) wherein it has been mentioned that respondent No.8-Davinder Singh Grewal is having Canadian citizenship and it has been found that a Canadian citizen cannot contest election in India. He places reliance upon ***Kuldip Nayar vs. Union of India and others*** AIR 2006 Supreme Court 3127.

In view of above, this Court is *prima facie* satisfied that respondent No.8 appears to be citizen of Canada and present petition can be disposed of with a direction to the concerned authority including Chief Electoral Officer to take action against respondent No.8 in accordance with law within a period of one month from today. Ordered accordingly. During the aforesaid period, respondent No.8 is restrained from performing the duty as Sarpanch.

18.09.2015
parveen kumar

(Paramjeet Singh)
Judge