

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

**CWP No. 3107 of 2015
Decided on : 21.02.2015**

Jagiri Ram and others

... Petitioners

Versus

Sub-Divisional Magistrate-cum-
Returning Officer and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE SNEH PRASHAR**

PRESENT: Mr. Vivek Salathia, Advocate
for the petitioners.

AJAY KUMAR MITTAL, J. (Oral)

The prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of Certiorari for quashing the list of the Validly Nominated Candidates (Annexure P-1) and Revised List of the Validly Nominated Candidates (Annexure P-2), vide which the petitioners and other independent candidates have not been included in the list of nominated candidates.

2. The present writ petition cannot be entertained for more than one reason. Firstly, that the Validly Nominated Candidates (Annexure P-1) have not been impleaded as a party in the writ petition. In their absence, no effective relief can be granted to the petitioners.

3. Secondly, Article 243ZG(b) of the Constitution of India provides as under:-

**“243ZG. Bar to interference by courts in electoral
matters.— Notwithstanding anything in this Constitution,—**

(a) xx xxx xx

(b) no election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.”

4. Further, the present writ petition raises disputed questions of fact, which can only be questioned by way of an election petition presented to appropriate authority in accordance with law.

5. Dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(SNEH PRASHAR)
JUDGE

February 21, 2015

J.Ram