

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

CWP No.5070 of 2015

Date of decision:24.3.2015

Jagroop Singh

....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Supriya Garg, Advocate for the petitioner.

Mr. G.P. Singh, Additional Advocate General, Punjab
for respondents No.1 to 5.

Mr. A.D.S. Jattana, Advocate for respondent No.6.

Mr. Aakash Singla, Advocate for respondent No.7.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is for quashing the notification dated 04.03.2015 whereby the list of successful candidates was notified in respect of Municipal Council Bhucho Mandi, Bathinda.

The grievance of the petitioner is that the petitioner has obtained more votes than respondent No.7 but it is the respondent No.7 who has been notified as elected erroneously. Therefore, the petitioner has a right to invoke the writ jurisdiction of this Court to seek correction of a mistake.

We find that as to whether the petitioner is a successful candidate or not is a disputed question of fact which falls within the

exclusive jurisdiction of the Election Tribunal in terms of the Punjab State Election Commission, Act, 1994 (for short 'the Act').

Consequently, the present writ petition is dismissed with liberty to the petitioner to avail the remedy as available to the petitioner under the Act.

(HEMANT GUPTA)
JUDGE

MARCH 24, 2015
'D. Gulati'

(LISA GILL)
JUDGE