

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.1522 of 2015 (O&M)

Date of Decision: November 30, 2015

Davinder Singh Grewal

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.Jagjit Singh, Advocate, for
Mr.Amit Kumar Saini, Advocate, for the appellant.

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1. *Whether Reporters of 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?*

Surya Kant, J. (Oral)

The short question that arises for consideration in this letters patent appeal is whether the appellant, who is stated to be a Canadian citizen, is entitled to hold the office of Sarpanch under the Punjab Panchayati Raj Act, 1994 read with the qualifications and dis-qualifications prescribed under the Punjab State Election Commission Act, 1994?

A perusal of the order under appeal unveils that since the appellant was prima-facie found ineligible to hold the aforesaid public office, hence the learned Single Judge has directed the Chief Electoral Officer take an appropriate decision within a period of one month.

The afore-stated direction obviously enables the appellant to put up his defence plea before the Chief Electoral

Officer and establish that notwithstanding Section 11 (a) of the Punjab State Election Commission Act, 1994, he is entitled to hold such office. The observations made by learned Single Judge are prima-facie only and no serious prejudice has been caused to the appellant. His contention that the Election Petition is pending or that such an issue can be gone into in that petition only, is misconceived and misdirected. The availability of alternative remedy does not and cannot preclude a Writ-Court from invoking its discretionary jurisdiction, if so required, keeping in view the facts and circumstances of a case.

No case to interfere with the impugned order is made out.

Dismissed.

[SURYA KANT]
JUDGE

November 30, 2015
mohinder

[HARI PAL VERMA]
JUDGE