

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 19724 of 2016

Date of Decision: 22.9.2016

Neena Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Parminder Singh, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the notification dated 9.8.2016 (Annexure P-11), whereby election of the office bearers of respondent-Society has been ordered to be held, as per the election schedule, petitioner has approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned notification.

The only argument raised by learned counsel for the petitioner is that provisions of Section 39 of the Haryana Registration of Societies Act, 2012, have not been properly followed, before issuing the impugned notification.

After hearing learned counsel for the petitioner at considerable length and going through the record of the case, this Court is of the considered opinion that since the petitioner has approached this Court at a highly belated stage, instant writ petition cannot be entertained at this point of time. It is so said because dates of filing of nomination papers, i.e. 20/21.9.2016 have already expired, which is clear from a bare reading of the impugned notification containing the election schedule, at page 84 of the paper book. Objections to the nominations and withdrawal of nominations are scheduled to be held today between 10:00 A.M to 1:00 P.M. Thereafter, publication of the names of candidates contesting election shall also be released today itself and further election schedule shall follow, as per election programme issued vide impugned notification.

During the course of hearing, when confronted as to why the petitioner could not approach this Court during the last more than 40 days, learned counsel for the petitioner submitted only this much that petitioner was making appropriate representations to the authorities concerned. This is not plausible explanation, particularly keeping in view the nature of issue involved. It is the settled proposition of law that once the election process starts, no court would interfere in the election process until and unless an extraordinary case is made out for said interference.

Learned counsel for petitioner has failed to make out the present one as an extraordinary case, so as to warrant interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case

Amit Kumar
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integrity of this document

noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

22.9.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No