

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

CWP No. 21537 of 2015

Date of decision: 06.12.2016

Madan Pal

... Petitioner

versus

State of Haryana and others

.... Respondents

**CORAM:HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. Kamal Sharma, Advocate for the petitioner.

Mr. Sandeep Moudgil, Addl. Advocate General Haryana.

AJAY KUMAR MITTAL, J. (ORAL)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India for declaring the 1st part of the Clause (m) of sub Section (1) of Section 175 of the Haryana Panchayati Raj Act, 1994 (in short the 'Act') as ultra *vires*.

2. Learned counsel for the petitioner points out that on October 8, 2015, by way of interim order, it was directed that the petitioner be permitted to surrender the lease and thereafter if he files his nominations for Gram Panchayat Elections, the same shall not be rejected on the premise that he is a lessee on the Gram Panchayat Land.

3. It was submitted by learned counsel for the petitioner that in pursuance to the interim order dated October 8, 2015 the petitioner contested the election but he lost the same. In view thereof, he prays that writ petition be disposed of as having been rendered infructuous.

However, question of vires of Clause (m) of sub-Section (1) of Section 175 of the Act be kept open.

4. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUSTICE

06.12.2016
kv

(RAMENDRA JAIN)
JUDGE

Whether speaking/non-speaking: Yes/No

Whether reportable : Yes/No