

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

**CWP No.21758 of 2016
Date of decision: 20.10.2016**

Maina Devi

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. P.S. Jammu, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court, by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus.

Heard learned counsel for the petitioner.

It is a matter of record that petitioner filed her election petition vide case No.1-EP instituted on 24.02.2016 before the learned Court of competent authority, thereby challenging the election result, whereby respondent No.6 was declared elected. Learned counsel for the petitioner has fairly conceded that the issue, which is now being raised, was also one of the grounds for challenging the election result of respondent No.6, by way of election petition.

When the election petition came up for hearing before the learned Court of competent authority on 29.08.2016, petitioner withdrew her election petition. Accordingly, following order was passed by the learned Civil Court: -

“Present: Petitioner in person with Sh. M.M. Pareek, Adv.

Shri Suresh Mehta, Adv. for respondent.

File taken up today on the application moved by petitioner through her counsel. Petitioner has made a separate statement that she does not want to proceed with the election petition and same may be dismissed as withdrawn. Heard. In view of the above stated statement, instant election petition is hereby dismissed as withdrawn. File be consigned to the record room after due compliance.

Announced in Daily Lok Adalat

(Anuradha)

Dated: 29.8.2016

Civil Judge (Jr. Divn.),

Sirsa.”

After passing of the abovesaid order of withdrawal of election petition, at the instance of the petitioner herself, she had a second thought and moved the representation dated 09.09.2016 (Annexure P-7) before the Deputy Commissioner for taking appropriate action against respondent No.6 on the very grounds, on which her election was challenged by the petitioner, but the election petition was got dismissed as withdrawn.

Under the abovesaid undisputed fact situation, neither Deputy Commissioner would have any jurisdiction to initiate any action against respondent No.6 nor the petitioner would have any right, whatsoever, to challenge the election of respondent No.6, particularly when the petitioner has withdrawn her election petition vide abovesaid order dated 29.08.2016 (Annexure P-5).

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted

above, coupled with the reasons aforementioned, this Court is of the considered view that the present 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.

20.10.2016
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE

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