

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

**Civil Writ Petition No. 26731 of 2016
Date of Decision: 22.12.2016**

Mubarik

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Shakti Kaushik, 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 instant 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.

During the course of hearing, when confronted with the fact as to whether the petitioner has filed any election petition, with a view to challenge the election of respondent No.4-Sarpanch, he replied in the negative and rightly so, it being a matter of record. Once the petitioner had a remedy of election petition, which he did not avail and for no good reasons, he has missed the train long back. This Court cannot put the clock back. Result of election of the elected Sarpanch cannot be challenged by the petitioner by way of instant writ petition before this Court. Further, petitioner is unable to show his locus standi to file and maintain the present writ petition.

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It seems that petitioner, under the garb of present petition, wants to settle his personal score with respondent No.4-Sarpanch by misusing the process of law, which is not permissible in law. The issue raised by the petitioner in his representation (Annexure P-2) could have been a ground for challenging the validity of election of respondent No.4, but the petitioner did not do so, for the reasons best known to him.

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 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

22.12.2016
Ak Sharma

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