

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.3631 of 2016

Date of Decision: March 03, 2016

Biram Singh

....Petitioner

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.**

Present: Mr.Munish Gupta, Advocate, for the petitioner.

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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 petitioner while challenging the schedule notified for holding the elections of President and Vice President of Zila Parishad, District Gurgaon, seeks a writ of prohibition for not allowing respondent No.5 to cast her vote or participate in that election.

It may be mentioned here that respondent No.5 contested the election of Member, Zila Parishad from Ward No.1, Block Sohna, District Gurgaon and has been declared elected. The petitioner is stated to be a voter of that ward obviously belonging to the opposite party. He has made complaint against the eligibility of respondent No.5 to contest the election and it is alleged that a fact-finding enquiry was held in which respondent No.5 has not been found eligible.

Though in our considered view, once the election is held and respondent No.5 has been declared elected, the

question of her dis-qualification to hold the office of Member, Zila Parishad can be raised through election petition only before the Election Tribunal, however, if there is any enquiry pending against respondent No.5, let respondent No.3 take an appropriate decision as per the prescribed procedure including principles of natural justice, as early as possible but not later than one month from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

March 03, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE