

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 8710 of 2016

Date of Decision: May 06, 2016

Preeti Chauhan

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

Present: Mr. Arafat Hussain, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents no.1 to 3 to remove respondent no.4 from her post as member of the Zila Parishad, Gurgaon.

Learned counsel for the petitioner, after arguing for some time, states that respondent no.4 – Poonam was not qualified for the post of member of Zila Parishad, Gurgaon, because she did not fulfill the qualifications as laid down under the Haryana Panchayati Raj Act, 1994 (hereinafter referred to as the “Act”) and was disqualified specifically under sub Section (v) of Section 175 of the Act as amended and upheld by Hon'ble the Supreme Court.

I have heard learned counsel for the petitioner and perused the record.

Although the remedy of election petition is available to the petitioner, but the case of the petitioner is that this is a patent illegality as

respondent no.4 did not fulfill the minimum qualification for the post of member of Zila Parishad. Therefore, this Court deems it appropriate to give liberty to the petitioner to move a representation before the appropriate authority within a week from today. In case, such representation is filed by the petitioner within a week, the same shall be decided within a period of three months of its receipt.

Disposed of in above terms.

May 06, 2016
vkd

[Paramjeet Singh Dhaliwal]
Judge