

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.8873 of 2016

Date of Decision: May 09, 2016

Sanjeev Kumar

....Petitioner

versus

State Election Commission, Panchkula and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.Bhupinder Singh, Advocate, for the petitioner.

:-

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 questions the election of respondent No.5 as Sarpanch of Gram Panchayat of village Teontha, Tehsil Pundri, District Kaithal, on the plea that the 5th respondent is not matriculate which was the essential qualification to contest the election and that he produced a fake matriculation certificate in support of his eligibility. The petitioner admittedly did not file any Election Petition on this ground. No provision has been brought to our notice, vesting powers in the State Election Commission or the Deputy Commissioner etc. for removal of a Sarpanch on the ground that he was ineligible to contest the election. Such a plea can be taken only in an Election Petition which the petitioner unfortunately did not file. In these circumstances we decline

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to issue the desired mandamus except granting liberty to the petitioner to pursue his representation before the appropriate forum.

Ordered accordingly.

**(SURYA KANT)
JUDGE**

May 09, 2016
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**(A.B.CHAUDHARI)
JUDGE**