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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10593/2016

SALEK CHAND JAIN Petitioner

Through: Mr.Sugriva Dubey, Adv.

Versus

ELECTION COMMISSION OF INDIA Respondent

Through: Mr.P.R.Chopra, Adv. with

Mr.Y.R.Sharma, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **08.11.2016**

C.M.No.41588/2016 (exemptions)

Allowed, subject to all just exceptions.

W.P.(C) No.10593/2016

1. This petition by way of Public Interest Litigation has been filed with the following prayers:

"i) Pass any order thereby the respondent be directed to conduct the Lok Sabha general election throughout the country together with State Assembly Election as it was being conducted together prior to 1967 in the facts and circumstances of the case and in the interest of justice to save the public money to the tune of Rs.4500 crores.

ii) Any other relief which this Hon'ble Court deem fit and proper may also be granted to the petitioner."

2. We have heard the learned counsel appearing for the petitioner.

3. As per the Constitutional scheme, the duration of the Parliament and the State Legislative Assemblies, unless sooner dissolved, shall be five years from the date appointed for its first meeting. So far as holding election to the Parliament and the State Legislative Assemblies is concerned, there are

specific provisions under the Representation of People Act, 1951 providing for the period within which the election notification shall be issued. The law is well-settled that Courts will interfere only if there is a clear violation of Constitutional or statutory provisions or non-compliance by the State with its Constitutional or statutory duties. No such contingencies arise in the present case. As held in ***Balco Employees' Union vs. Union of India*** **(2002) 2 SCC 333**, every matter of public interest or curiosity cannot be the subject matter of PIL.

4. Accordingly, the writ petition which is devoid of merit is hereby dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

NOVEMBER 08, 2016

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