

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

CWP No.20818 of 2017

Date of Decision:13.09.2017

Salochana @ Silochna

.....Petitioner

vs.

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Shashi Bharat Bhushan, Advocate for the petitioner.

Rakesh Kumar Jain (Oral)

The petitioner is the elected Sarpanch to whom show cause notice has been issued by respondent No.3 on 22.09.2016 under Section 51 (3)(c) read with Section 175(b) of the Haryana Panchayati Raj Act, 1994 (for short, 'the Act') on the ground that she was not eligible to contest the election. The petitioner challenged the show cause notice by filing a civil suit for declaration which was dismissed on 11.07.2017 on the ground of being not maintainable. The petitioner has thus challenged the show cause notice itself before this Court alleging that the matter pertains to the election of the petitioner and as per Article 243(0), no election can be called in question except by way of an election petition. It is not denied by the petitioner that she has already filed reply to the show cause notice and has also not denied that pursuant to the show cause notice, no adverse order has been passed, therefore, the present petition is found to be pre-mature and is thus dismissed.

September 13, 2017

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(Rakesh Kumar Jain)

Judge

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No