

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.28385 of 2017.

Date of Decision: December 13, 2017

Ankush Handa

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Dhiraj Chawla, Advocate, for the petitioner.

Mr.Rajesh Bhardwaj, Senior DAG, Punjab.

-.-

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 5 only at this stage.

On our asking, Mr.Rajesh Bhardwaj, learned Senior Deputy Advocate General, Punjab, accepts notice on their behalf.

Let five copies of the writ petition be handed-over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 to 5 or to serve respondent Nos.6 & 7 at this stage as no order prejudicial to their interest is being passed.

The petitioner is a candidate for election to the post of Councilor from Ward No.52 of Municipal Corporation, Jalandhar. He seeks direction to cancel the nomination of respondent No.7 who is a Congress Party candidate from the same ward. The primary contention is that the

time limit to file the nomination papers had expired on 06.12.2017. The petitioner in this regard heavily relies upon the recording of CCTV Cameras installed inside and outside the office of Returning Officer-cum-SMD-I, Jalandhar (respondent No.6).

We have heard learned counsel for the parties.

Once the election process has started, it is not expedient for this Court to interfere in the matter, for the petitioner has got an efficacious alternative remedy to file election petition, if need be, after the election results. However, there appears to be some merit in the petitioner's contention regarding preservation of the recording dated 06.12.2017 of CCTV Cameras installed inside and outside the office of the SDM-I, Jalandhar-cum-Returning Officer, which are liable to be preserved for the purpose of determining the controversy sought to be raised in this writ petition.

Ordered accordingly.

The writ petition is disposed of with liberty to the petitioner to file appropriate proceedings after the declaration of result of the election.

Let a copy of this order be given dasti to Mr.Rajesh Bhardwaj, learned Senior Deputy Advocate General, Punjab, for information and necessary compliance.

[SURYA KANT]
JUDGE

December 13, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No