

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.9454 of 2017

Date of Decision: December 06, 2017

Balwinder Singh and another

.....Petitioners

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Ajay Kumar Mehra, Advocate, for the petitioners.

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Surya Kant, J. (Oral)

The petitioners contested the State Assembly election from Mohali constituency held in the month of February, 2017 which they lost. It is averred that on the date of counting of votes and declaration of result, i.e., on 11.03.2017, it came to the notice of the petitioners that counting of votes was done qua 225 booths only instead of 270 polling booths. It created some doubt in their mind as to whether VVPAT machines attached to EVMs were duly numbered or not. They made a representation on 22.03.2017 (P-2) followed by a reminder dated 11.04.2017 (P-3). The instant writ petition has now been filed seeking a direction to provide them information of polling booths No.226 to 270 as to whether or not VVPAT machines were installed on those booths. A further direction is also sought to cancel the Assembly election which they unsuccessfully contested.

We have heard learned counsel for the petitioners at a considerable length and gone through the record. In our considered view, the writ petition is totally misconceived and misdirected. It is the conceded position that the issue raised in this writ petition could be a valid ground for

filing an Election Petition for which the limitation period has already expired. The instant writ petition is nothing but a device for revival of the cause of action for filing the Election Petition though the limitation for filing such petition cannot be extended. We thus decline to entertain the prayer made in this writ petition.

Dismissed.

[SURYA KANT]
JUDGE

December 06, 2017

mohinder

[SUDHIR MITTAL]
JUDGE

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