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

+ **W.P.(C) 1145/2017 & CMs 5178-79/2017**

AAM AKALI DAL

..... Petitioner

Through : Mr. Saurabh Chadda, Advocate

versus

DIRECTORATE OF GURUDWARA & ORS

..... Respondents

Through : Ms. Niti Jain with

Mr. Anuj Aggarwal, Advocates for R-1.

Mr. Jasmeet Singh, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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08.02.2017

1. This is the second petition filed by the petitioner/Society with regard to the General Elections of Members to the Delhi Sikh Gurdwara Management Committee that are scheduled to be held on 26.2.2017. Prior hereto, the petitioner/Society had filed WP(C) 899/2017, which was disposed of by a detailed order dated 03.2.2017, with liberty granted to him to file a fresh petition after conclusion of the elections for the relief at prayer (3) made therein or any other/additional relief.

2. In less than one week, a second petition has been filed by the petitioner praying *inter alia* for setting aside the Notification dated 31.1.2017 issued by the respondent No.1/Directorate, passing an order with regard to recognition of religious parties, declaring a list of free symbols, allotment of symbols, classification of symbols, choice of symbols, etc. The second relief prayed for is to direct the respondent No.1/Directorate to

cancel the nominations, if any, received from the candidates sponsored by the respondents No.2 and 3. Lastly, the petitioner seeks quashing/setting aside the Notification dated 8.11.1999 on the ground that the same is in violation of the provisions of Delhi Sikh Gurudwara Management Committee (Election of Member) Rule 1974 (in short '**the Rules**').

3. Counsel for the respondent No.1/Directorate, who appears on advance notice, refers to the Rules particularly Rule 19 thereof which deals with scrutiny of nominations, to state that if the petitioner/Society or the candidates sponsored by it have any grievance with regard to the nominations filed by the candidates, then a grievance can be raised before the Returning Officer at the time of scrutiny of the nominations, who on receiving such objections, is required to decide the same in accordance with law.

4. Counsel for the petitioner states that the present petition may be kept in abeyance to await the outcome of the election. The Court declines to pass such an order.

5. It was made clear in the earlier petition filed by the petitioner that once the election process is set into motion, the courts should forbear from interfering with the same. Any orders of the nature prayed for by the petitioner at prayer (1) or (2) of the petition would tantamount to interference in the election process. In any case, even in the earlier petition, filed by the petitioner/Society on 30.1.2017, it was noted that it had approached the Court at the nick of the time for seeking relief pertaining to the elections scheduled for 26.2.2017. The same view is expressed by the court in the present case as well as the election shall be conducted in a

couple of weeks from now.

6. It is not out of place to mention here that another party, namely, Panthak Seva Dal had filed a writ petition registered as WP(C) 1039/2017, for quashing of the Notifications dated 8.10.1999, 30.11.2006 and 31.1.2017 issued by the respondent No.1/Directorate. Vide order dated 6.2.2017, when this Court expressed its disinclination to entertain the said petition, counsel for the petitioner therein had sought leave to withdraw the said petition, while reserving its right to file a fresh petition after the election process is over.

7. There is no good reason for this Court to keep the present petition pending to await the outcome of the elections. As already noted in the order dated 3.2.2017 passed in W.P.(C) 899/2017, liberty has been granted to the petitioner/Society to file a fresh petition on the conclusion of the election process.

7. Accordingly, the present petition is also disposed of, along with the pending applications, once again granting similar liberty to the petitioner/Society as noted above.

HIMA KOHLI, J

FEBRUARY 08, 2017

sk/ap