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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3624/2017

ASHOK VIHAR G BLOCK RESIDENT WELFARE
ASSOCIATION

..... Petitioner

Through: Ms. Beenashaw N Soni, Adv.
versus

STATE ELECTION COMMISSION AND ORS Respondents

Through: Mr. Sumeet Pushkarna, Standing
Counsel with Mr. Sahil Ghai and Mr.
Siddhartha Nagpal, Advs. along with
Mr. Girish Pandey, Deputy Secretary
for R-1.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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05.05.2017

By this writ petition, petitioner has prayed as under :-

“(A) To set aside/quash the order no. RO-19/W-72N TO 75NORTH DMC/ETEC.-2017/232-238 dt 20-4-2017 passed by Respondent no.2 Sh. Davendara Singh Tomar, Returning Officer-19, Assembly Constituency-17, ward 72 N to 75 N, Room No. 2, Aryabhat Polytechnic, Delhi;

(B) To pass a direction to the respondents to not split the residents of G-Block Phase I Ashok Vihar Delhi who are all the members of the Petitioner Association in different wards for the welfare of the residents and pass directions to correct the Electoral Roll accordingly with prospective effect also.

(C) Or in alternative direct the respondent no.1 to dispose the Appeal of the petitioner Association before the declaration of the Election results of ward no. 72 N and 75 N, AC-17 Wazipur Delhi.

(D) To direct the respondent no.1 not to declare the results of the election so held on 23-4-2017 with respect to Ward no. 72 N and 75N AC-17 Wazipur Delhi.”

Elections are over and results have been declared. Prayers (a), (c) and (d) have become infructuous. Even, during the pendency of elections, these prayers could not have been entertained as election process, once started, cannot be interfered with by the Courts. Alternative remedy of appeal against the order dated 20th April, 2017 of the Returning Officer was admittedly taken. This shows that petitioner was aware of the corrections. As per the learned counsel for the respondent, only lists were rectified pursuant to the de-limitation order passed earlier. Members of the petitioner participated in the elections.

As regards prayer (b) is concerned, remedy is available to the petitioner under Section 6 of the Delhi Municipal Corporation Act, 1957.

In view of above discussions, writ petition is not entertained and is dismissed. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

MAY 05, 2017

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