

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

CWP No.29107 of 2018

DATE OF DECISION : 17th NOVEMBER, 2018

Balmukand Sharma

.... Petitioner

Versus

Election Commission of India, New Delhi and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI
HON'BLE MR. JUSTICE H. S. MADAAN**

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Present : Mr. Ramesh Kumar, Advocate for the petitioner.

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A. B. CHAUDHARI, J. (Oral)

Following is the prayer in the present writ petition:

“Issue a writ, order or direction especially in the nature of Prohibition restraining the respondents from administering oath of Minister to any person without conducting bye-election against the 36-Jind Assembly Constituency post because the petitioner had already filed CWP No.27850 of 2018 in which Notice of Motion has been issued for 12.11.2018 but now the respondents instead of conducting bye-election on this post, are trying to fill up the said post by Administering oath of Minister to the son of Dr. Hari Chandh Midha only with an intention to defeat the rights of the petitioner whereas the said post has to filled up in terms of Section 150 and 151-A of the Representative of People Act, 1951 by the Election

Commission of India and this apprehension of the petitioner is apparent from the fact that Dr. Hari Chand Mittal (sic) was candidate of INLD party but now the BJP party has influenced the son of Dr. Hari Chand Midha and has got him joined BJP Party on 1.11.2018 and there is rumor in the society that son of Dr. Hari Chand Midha will be administered oath of Minister very soon.”

The petition is wholly not maintainable and we therefore do not entertain the same.

Dismissed.

(A. B. CHAUDHARI)
JUDGE

17th NOVEMBER, 2018
‘raj’

(H. S. MADAN)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>