

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

**CWP No. 448 of 2019(O&M)
Date of decision : 11.01.2019**

Sukhwinder Kaur

..... Petitioner

versus

The State of Punjab and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE A.B.CHAUDHARI
HON'BLE MR.JUSTICE HARNARESH SINGH GILL**

Present: Mr. Baltej Singh Sidhu, Advocate for the petitioner.

A.B.CHAUDHARI, J. (ORAL)

It is not in dispute that result of the election for the post of Sarpanch of Village Hakuwala, Block Lambi, District Sri Muktsar Sahib, was declared and the respondent No.6 was given a certificate of declaration of result of the said election.

Learned counsel for the petitioner submits that petitioner has a clear cut case for making an order of recounting and the petitioner is bound to succeed in the recounting and liable to be declared elected.

We have given a careful consideration to the submissions made by learned counsel for the petitioner. The legal position is settled that the recounting can only be done by the Court/Tribunal upon the evidence being adduced before it and thereafter the Court/Tribunal would come to a conclusion on evidence that an order of recounting is required to be made. It is not possible in the extraordinary writ jurisdiction of this Court to do so as prayed by learned counsel for the petitioner, all the more so in the wake of availability of statutory alternate efficacious remedy by way of election

petition. The Election Tribunal has a power to order recounting if it is satisfied on evidence that recounting is necessary. In fact, the Election Tribunal itself also may conduct recounting.

When the remedy of election petition is available, we are not inclined to entertain the present writ petition and, therefore, we dispose of the same reserving liberty in favour of the petitioner to file an election petition in accordance with law and if same is filed, to decide the same within a period of one year from today.

(A.B.CHAUDHARI)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

11.01.2019

sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No