

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

CWP-20122-2019

Date of decision: 24.7.2019

Amarjit Kaur

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.HS Batth, Advocate for the petitioner

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for setting aside the order dated 17.7.2019 (Annexure P-6) passed by respondent No.2 whereby the application for suspension of respondent No.4 from the post of Panch, Ward No.8, Gram Panchayat Loharka Kalan, Block Verka, District Amritsar has been closed.

Learned counsel for the petitioner refers to Section 20 read with Section 208 of the Punjab Panchayati Raj Act, 1994 to contend that respondent No.4 was not entitled to be elected as Panch as he has been convicted and sentenced for 10 years in NDPS Act. The said facts were concealed by him during filing of the nomination papers for the post of Panch. However, one Bhag Singh, filed a complaint before respondent No.2 but without considering the said facts, the said complaint was closed.

Heard.

Said Bhag Singh has already challenged the election of

respondent No.4, which is pending adjudication before Addl. Deputy Commissioner (D), Amritsar -cum- Election Tribunal. The application filed by Bhag Singh has been closed by respondent No.2 for the time being by observing that he has already challenged the election of respondent No.2 regarding the post of Panch before the Tribunal and after the decision of the election petition, further action would be taken accordingly.

In view of the above, there cannot be two parallel proceedings of challenging the election, one by way of an election petition before the Tribunal and second by way of an application for seeking removal of the elected candidate before the prescribed authority under the Act. Accordingly, the present petition being devoid of merit is dismissed.

However, if the grievance of the petitioner still subsists, she will have the liberty to revive the present petition or to file afresh on the same cause of action.

24.7.2019
gsv

[JITENDRA CHAUHAN]
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No