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

CWP No.11912 of 2018

Date of decision: February 14, 2019

Neeru Sharma

.....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Pardeep Kumar Rapria, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG Haryana.

A.B. CHAUDHARI, J

Learned counsel for the petitioner submits that Sub-Rule 3 of Rule 21 of the Haryana Municipal Elections Rules, 1978 (for short 'Rule') is invalid, ultra-vires and is therefore, liable to be quashed. He submits that the State Election Commission has also supported this grievance. He, however, fairly and candidly states that the elections have already been held.

In our opinion, we are not supposed to decide the academic issue since no relief has been sought nor can be granted to the petitioner. We would not, therefore, exercise our extra-ordinary writ jurisdiction to examine mere validity of the rule in question, in the fact situation, namely, that the elections have been held. We, therefore, decline to entertain the writ petition.

Hence, the writ petition stands dismissed. The petitioner may raise challenge to the said Rule as and when occasion arises.

**(A.B. CHAUDHARI)
JUDGE**

**(ANUPINDER SINGH GREWAL)
JUDGE**

February 14, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No