

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

CWP No.15322 of 2020

Date of decision : November 11, 2020

Pooja

..... Petitioner

Versus

State of Haryana and others

..... Respondents

(IN VIRTUAL COURT)

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Kanwal Goyal, Advocate for the petitioner.

Ms. Upasna Dhawan, AAG, Haryana
for respondent Nos.1 and 3 to 5.

Mr. Sandeep Kumar Yadav, Advocate for respondent No.2.

Mr. Vikram Bishnoi, Advocate for respondent Nos.6 and 7.

RAJBIR SEHRAWAT, J. (ORAL)

The present writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing the result dated 14.09.2020, whereby respondent Nos.6 and 7 have been declared as elected unopposed from Zone No.2 and 1 respectively. Further prayer has been made to quash the entire election process as the objections (Annexures P-3 to P-5) raised by the petitioner and other voters have not been decided. A prayer has also been made for issuance of writ in the nature of certiorari to quash the order mentioned on document dated 01.09.2020 (Annexure P-6) whereby petitioner has been debarred from filing nomination and, consequently, contesting election from

Zone No.2, with a further prayer to decide the representation dated 16.09.2020 made by the petitioner in view of the fact that the elections were scheduled to be held on 04.10.2020.

Notice of motion was issued on 24.09.2020 and pursuant to that order, reply on behalf of respondent No.2 has been filed.

A bare perusal of the paper book itself shows that the date for the election in question has already surpassed.

Learned counsel for the State has also pointed out that the said election has already been concluded and final result has been declared.

In view of the situation arising in the interregnum, undisputedly the petitioner has an alternative remedy of filing a petition before the statutory authority questioning the election in question.

Since, there is an alternate statutory remedy available to the petitioner, therefore, this Court does not intend to continue with the present petition. However, the petitioner would be at liberty to avail his alternate statutory remedy, in accordance with law.

Since the petitioner has been prosecuting the matter before this Court, therefore, it is ordered that if the petitioner avails his statutory remedy within a period of four weeks from today, then the same shall be taken to have been filed within limitation and authorities shall decide the same on merits.

Disposed of with the above observations.

(RAJBIR SEHRAWAT)
JUDGE

November 11, 2020

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No