

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

CWP No. 2517 of 2021

Date of decision : 11.2.2021

N. K. Sharma

.... Petitioner

versus

State of Punjab and others

... Respondents

**Coram: Hon'ble Mr. Justice Jaswant Singh
Hon'ble Mr. Justice Sant Parkash**

Present Mr. Anil Mehta, Advocate, for the petitioner.

[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.]

Jaswant Singh, J. (Oral)

The Petitioner – a sitting Member of Legislative Assembly, Punjab, from Dera Bassi Constituency, has filed the present writ petition under Article 226 of the Constitution with the following prayer:-

- (a) Call for the records of the case; Issue a writ in the nature of Certiorari, quashing the final electoral list notification dated 05.01.2021 (P-3) published by the respondents which is totally illegal, arbitrary against the rules and is apparently wrong as on admitted facts the votes of demarcated ward have been depicted of the other wards apparently to benefit certain other candidates and further in spite of specific statutory objections invited in pursuance to the draft notification neither the correction has been made nor any decision

has been taken or conveyed to the petitioner and even certain voters have also been deleted in the final notification for the reasons best known to the respondents.

- (b) Writ in the nature of Mandamus, directing the respondents to consider the objections as well as the representation dated 13.01.2021 (P-4) filed by the petitioner against initial list and final electoral list respectively.
- (c) Writ in the nature of Mandamus, directing the respondents to take action against the defaulting officials who have prepared the voter list for 2021 Municipal Elections, Derabassi to benefit the party in power in State of Punjab.
- (d) For issuance of a Writ in the nature of Mandamus, directing the respondent no.1 to transfer the respondent no.3 from Derabassi during the election process of MC-Derabassi to save the institution of democracy from political transgression to benefit the party in power in State of Punjab.

As regards the prayers (a) and (b), the petitioner has a statutory remedy to approach the Electoral Registration Officer under Section 31 of the Punjab State Election Commission, Act, 1994 (for short, 'the Act') and any order passed thereon is then appealable under Section 33 of the Act. That apart, an alternative remedy could have been availed under Rules 24 and 28 of the Punjab Municipal Election Rules, 1994 as well.

We find that further prayers would not fall within the domain of interference in writ jurisdiction.

After arguing for some time and having failed to convince the Court, learned counsel for the petitioner prays for permission to withdraw the writ petition.

Dismissed as withdrawn.

(Jaswant Singh)
Judge

11.2.2021
vs

(Sant Parkash)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable	Yes/No