

114(3)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 3042 of 2021

Date of decision: 11.02.2021

Ankush Kataria

..... Petitioner (s)

V/s.

State of Punjab and others

..... Respondent (s)

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. R.S. Randhawa, Advocate, for the petitioner.

Mr. S.P. S. Tinna, Additional Advocate General, Punjab.

Sanjay Kumar, J. (Oral)

The petitioner submitted his nomination to contest the election to the Municipal Committee, Mudki, Tehsil and District Ferozepur, from Ward No. 4. However, his nomination was rejected. Aggrieved thereby, he filed the present writ petition.

Mr. S.P.S. Tinna, learned Additional Advocate General, Punjab, would inform this Court that the petitioner's nomination was rejected on the ground that he had not attached proof of payment of the requisite fee and therefore, his nomination was treated as incomplete.

However, Mr. R.S. Randhawa, learned counsel for the petitioner, would point out that the requisite fee of Rs. 100/- was duly paid

by the petitioner and the Receipt bearing Serial No.10341 dated 02.02.2021 evidences the same. He would further state that the list of validly nominated candidates dated 04.02.2021 for this ward indicated that only four members from the family of one Roshan Lal were found to be validly nominated.

It appears that the Returning Officer thereafter issued the declaration of the result of the election from this ward on 06.02.2021, declaring Roshan Lal as duly elected, being the sole candidate.

In the light of the facts obtaining and as the election has already concluded, the remedy available to the petitioner would be by way of an election petition before the duly constituted Tribunal. It is for him to raise all the issues presently urged before us by way of such a petition.

Leaving it open to him to do so as per due procedure, the writ petition is disposed of.

No order as to costs.

(SANJAY KUMAR)
JUDGE

(ARCHANA PURI)
JUDGE

11.02.2021

rakesh

whether speaking	:	Yes/no
whether reportable	:	Yes/no