

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

CWP No. 3193 of 2021

Date of decision : 17.2.2021

Reshma

.... Petitioner

versus

State of Punjab and others

... Respondents

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

Present Mr. Somnath Tayal, Advocate for the petitioner.
Mr. Avinit Avasthi, AAG Punjab for the State of Punjab.

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

Jaswant Singh, J. (Oral)

Petitioner-Reshma filed her nomination papers as an independent candidate to contest the Local Bodies election to be held on 14.2.2021 from Ward No.15, Municipal Council, Lehragaga, District Sangrur. Prayer in the present petition is to quash the order dated 4.2.2021 (P-4) rejecting her candidature on the ground of alleged encroachment made by her upon the property of Municipal Committee, Lehragaga.

Upon notice, reply by way of affidavit of Jiwanjot Kaur, Returning Officer-cum-SDM, Lehragaga, Distt.Sangrur has been filed inter alia stating therein that at the time of scrutiny of nomination papers, petitioner was not present. In support, Attendance Sheet of Ward No.15 has been annexed as Annexure R-4/1. It is further averred that objector filed

objections against the petitioner whereupon report was called from the E.O., Municipal Committee, Lehragaga. On receipt of the report of E.O., and perusing the record in open Court, the Returning Officer pronounced the order rejecting the nomination papers of the petitioner on the ground of encroachment. It is further averred that EO had already issued a notice (R-4/4) to the petitioner with regard to encroachment made by her on the property owned by Municipal Committee, Lehragaga and cancelled the NOC issued to her vide intimation dated 4.2.2021 (R-4/5).

At the time of resumed hearing today, learned counsel for the petitioner in the light of disputed facts and the alternative remedy of filing an election petition prays for permission to withdraw the present writ petition with liberty to file election petition to agitate all the pleas raised in the present writ petition, in accordance with law.

Dismissed as withdrawn with the aforesaid liberty.

(Jaswant Singh)
Judge

17.2.2021
vs

(Sant Parkash)
Judge

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