

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

Sr. No.116

CWP-21153-2021 (O&M)

Date of Decision: 08.11.2021

SHALINDER SINGH

... Petitioner

VERSUS

ELECTION TRIBUNAL AND OTHERS

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Puneet Kumar Bansal, Advocate,
for the petitioner.

(Through video conference)

RITU BAHRI, J.

The present petition has been filed by the petitioner for quashing the order dated 03.06.2021 (Annexure P-8), whereby recounting was ordered and order dated 30.06.2021 (Annexure P-9), whereby respondent No.3 was declared as elected candidate as earlier election petition was not filed and later when the election petition was filed it was not maintainable being time barred.

Notice of motion.

Mr.S.P.S.Tinna, Additional Advocate General, Punjab, accepts notice on behalf of respondents No.1 and 2.

Learned State counsel, at the outset, states that as per Section 100 of The Punjab State Election Commission Act, 1994, the remedy available with the petitioner is to file an appeal against the order dated 30.06.2021 (Annexure P-9) and the present writ petition is not maintainable.

Learned counsel for the petitioner, after arguing for some time, seeks liberty to withdraw the present petition, to avail alternative remedy, in accordance with law, if so advised.

Accordingly, the instant petition is hereby dismissed as withdrawn, with the liberty afore-stated.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

08.11.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No