

CWP-661 of 2019

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

CWP-661 of 2019
Date of Decision: 31.05.2022

Dharampal

...Petitioner

Versus

The State of Punjab and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present:- Mr. Simranjit Singh, Advocate,
for Mr. L.S. Lakhanpal, Advocate,
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

Mr. Hitesh Chopra, Advocate,
for respondents No.4 to 7.

RITU BAHRI, J. (ORAL)

Through instant writ petition, petitioner has challenged the election of respondent No.7-Balbir Singh, who was elected as Sarpanch of Village Tonsa, Tehsil Balachaur, District SBS Nagar.

On notice, reply dated 26.04.2019 on behalf of respondent No.3 was filed wherein preliminary objection was taken that under Article 243 (O)(b) of the Constitution of India there is a bar to interference by Courts in electoral matters and the only option with the petitioner to challenge the election is to file an election petition under the provisions of the Punjab State Election Commission Act, 1994 (for short 'the Act').

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As per Section 73 of the Act, Election Tribunals have been constituted and election can only be called under Section 74 of the Act. An election petition can be filed under Section 76 of the Act and further procedure to declare an election void has been given in Section 89 of the Act.

A Five Judge Bench of this Court in *Prithvi Raj v. State Election Commission Punjab and others*, 2007(3) RCR (Civil) 817, has held that jurisdiction of this Court is barred and only remedy available to the petitioner is to file an election petition in terms and conditions of the Act. Therefore, no case is made out to entertain this petition.

Dismissed.

(Ritu Bahri)
Judge

(Ashok Kumar Verma)
Judge

May 31, 2022
R.S.

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No