

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

CWP-2562-2022
Date of decision 10.02.2022

Sagar Sharma

....Petitioner

Vs.

Election Commission of India and ors.

...Respondents

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

Present: Mr. Hardeep Singh, Advocate
for the petitioner.

Mr. Namit Kumar, Advocate
for Election Commission of India.

Ritu Bahri, J. (Oral)

Petitioner is seeking quashing of order dated 02.02.2022 (P-3) passed by respondent No. 4 vide which the nomination papers of the petitioner for contesting the Election for Vidhan Sabha Election Constituency, 114-Sanour, District Patiala has been rejected.

At the very outset, learned counsel for Election Commission of India has referred to Division Bench judgment of this Court in a case of ***Mahender vs. Election Commission of India & ors.***, 2019 (3) PLR 381 wherein this Court has referred to a judgment of Hon'ble the Supreme Court of India in a case of ***N.P. Ponnuswami v. The Returning Officer, Namakhal Constituency, Namakkal, Salem Distt and others***, 1952 AIR (SC) 64 and dismissed the writ petition by observing that once the election process has commenced, the High Court should restrain itself from exercising its jurisdiction under Article 226 of the Constitution of India and

should permit an aggrieved candidate to get his grievance redressed through an election petition only.

Faced with the situation, learned counsel for the petitioner wishes to withdraw the present petition to take his alternative remedy, in accordance with law.

Allowed as prayed for.

Dismissed as withdrawn.

(RITU BAHRI)
JUDGE

10.02.2022
G Arora

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No