

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

Sr. No.104

CWP-7096-2020 (O&M)
Date of decision : 26.05.2022

Sukhdev Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. N.S Lucky, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner is a resident of village of which respondent No.5 has been elected a Panch. According to him, the said respondent concealed four criminal cases pending against him at the time of filing his nomination for election. Thus, a representation has been made to respondents No.2 to 4 to remove respondent No.5 from the post, but no action has been taken against him. Thus, the present writ petition has been filed.

Learned counsel for the petitioner submits that respondent No.5 is liable to be disqualified under Section 208 (1) (b) of the Punjab Panchayati Raj Act, 1994, read with Section 100 (b) and Sections 123 (2) and (4) of the Representation of People's Act, 1951.

The argument cannot be accepted because an elected representative can only be removed from office through an election petition. This writ petition is, thus, not maintainable and is accordingly dismissed.

(SUDHIR MITTAL)
JUDGE

26.05.2022

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No