

CWP-10073 of 2019

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

CWP-10073 of 2019
Date of Decision: 20.05.2022

Jasbir Kaur

...Petitioner

Versus

State of Punjab and others

....Respondents

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

Present:- Mr. Ritesh Kumar Sharma, Advocate,
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

Mr. Akhil Dadwal, Advocate,
for Mr. K.S. Dadwal, Advocate,
for respondent No.3.

RITU BAHRI, J. (ORAL)

Through present writ petition the petitioner has challenged the order dated 31.12.2018 (Annexure P-6) passed by respondent No.3, whereby respondent No.4 has been declared as Panch of Gram Panchayat of village Nawan Pind Bahadur, Block Gurdaspur, District Gurdaspur.

On notice of the petition, reply dated 27.08.2019 has been filed by respondents No.1 and 2 taking preliminary objection that election of Panch cannot be challenged by way of filing a writ petition under Article 243(O)(b) of the Constitution of India. The election of a Panchayat can only be challenged by a election petition as provided under the Punjab State Election Commission Act, 1994 (for short 'the Act'). As per Section

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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.

Since a reference has been made to a Five Judge Bench judgment of this Court in *Prithvi Raj v. State Election Commission Punjab and others*, 2007(3) RCR (Civil) 817, according to which 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, no case is made out to entertain this petition.

Dismissed.

(Ritu Bahri)
Judge

(Ashok Kumar Verma)
Judge

May 20, 2022
R.S.

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No