

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

CWP-24728-2022

Date of decision: 26.10.2022

NAVEEN KUMAR

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR
HON'BLE MR. JUSTICE ARUN MONGA**

Present:- Mr. Maninder Arora, Advocate and
Mr. Ved Parkash, Advocate for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

JAISHREE THAKUR, J. (Oral)

This is a writ petition that has been filed seeking issuance of a writ in the nature of mandamus directing the Returning Officer-cum-Additional Deputy Commissioner, Jind for accepting the nomination form of the petitioner for election as Member of Zila Parishad, Jind from Ward No.19 of District Jind, Haryana and to allow him to contest the election.

Learned counsel for the petitioner herein would contend that the petitioner has been non-suited and his candidature has been rejected for the election for Member of Zila Parishad, Jind. It is submitted that an FIR was registered against the petitioner under Sections 420, 467, 468, 471 IPC read with Section 61 of the Punjab Excise Act, 1914. It is contended that none of the charges as framed would be punishable with imprisonment of more than 10 years. It is further contended that the petitioner received a notice qua rejection of his nomination vide letter dated 20.10.2022 and the same was duly replied

to, however, the same has not been considered nor any order passed thereon.

Pursuant to notice of motion having been issued on 25.10.2022, appearance has been caused on behalf of respondents-State. Learned State counsel on instructions from Mr. Ajay Kumar, Tehsildar, Jind would submit that the reply of the petitioner stands considered and has been rejected by order dated 20.10.2022. It is submitted that under the provisions of the Haryana Panchayati Raj Act, 1994, the petitioner has to apply for copy of any orders, which he did not do. A photocopy of the said order has been supplied to learned counsel for the petitioner in Court today and, therefore, the writ petition itself at this juncture would not be maintainable. It is submitted that in fact, the charge that has been framed under Section 467 IPC would carry a punishment of more than 10 years, which in fact can extend to life and, therefore, considering Section 175 of the Haryana Panchayati Raj Act, 1994, the petitioner stands disqualified.

We have heard learned counsel for the parties and have perused the order so passed. In view of the representation having been decided, the instant writ petition is disposed of, leaving it open to the petitioner herein to avail any remedy, in accordance with law.

(JAISHREE THAKUR)
JUDGE

(ARUN MONGA)
JUDGE

26.10.2022
Chetan Thakur

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