Neutral Citation No. : **2023:PHHC:101082**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

232

CR-1416-2018
Decided on : 04.08.2023

Tek Chand . . . Petitioner(s)

Versus

Om Parkash and others . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Johan Kumar, Advocate
for the petitioner(s).

None for respondent No.1.

Mr. Yuvraj Shandilya, AAG, Haryana
for respondents No.2 to 4.

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SANJAY VASHISTH, J. (Oral)

1. There is no representation on behalf of contesting respondent i.e. respondent No.1.

2. Present revision petition has been filed by the petitioner under Article 227 of the Constitution of India, for seeking setting aside of order dated 22.01.2018 (Annexure P-3), passed by learned Civil Judge (Sr. Divn.), Hodal, District Palwal, vide which, election of respondent No.1 for the post of Sarpanch Gram Panchayat Meerpur Kourali, Tehsil Hodal, District Palwal, held on 24.01.2016, was upheld.

3. Mr. Johan Kumar, counsel for the petitioner submits that with the passage of time, period of five years has expired after the election for the post of Sarpanch, and thus, he does not wish to press present revision petition, as no cause of action survives therein. However, he submits that respondent No.1 contested the election under the reserved category, and the certificate relied upon by the authority is under challenge by way of present

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petition. Thus, with the help of the same certificate, respondent No.1 may contest the election in future also. However, for the reason that term has already expired, counsel seeks withdrawal of present revision petition.

3. On the basis of statement made by counsel for the petitioner in Court today, present revision petition is ordered to be disposed of being withdrawn.

4. However, liberty is granted to the petitioner to challenge the aforesaid certificate, which was issued by the authorities for the reserved category (SC category), in case, election is contested by respondent No.1, again by relying upon the said certificate.

5. Disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

August 04, 2023
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

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