

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

**CWP-28038-2022**

Date of decision: 11.01.2023

**VINOD KUMAR**

...Petitioner

Versus

**STATE OF HARYANA AND OTHERS**

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR  
HON'BLR MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Raman Sharma, Addl. A.G. Haryana

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**SURESHWAR THAKUR, J. (ORAL)**

1. The writ petitioner is aggrieved from the orders of the Returning Officer, and, as carried in Annexure P-7, where through, became rejected the objections of the petitioner with respect to acceptance of the nomination papers of the respondent No.5, for his contesting elections to the office of the Sarpanch of the Gram Panchayat concerned.

2. The petitioner has raised a ground for seeking the quashing of Annexure P-7, on the plank, that the Sarpanch concerned, was in unauthorized occupation of the land owned, and, possessed by the Gram Panchayat concerned, hence he was disqualified from contesting elections to the office of Sarpanch. Therefore, he contends that the Returning Officer who made Annexure P-7 has committed a gross legal fallacy.

3. Though from the reply instituted to the petition by the State of Haryana, it becomes unfolded that the encroachment, if any, as made upon the land owned, and, possessed by the Gram Panchayat concerned, is not, at the instance of the respondent concerned, but is at the instance of some other person.

4. But yet the learned counsel for the petitioner submits that he may be permitted to withdraw the present petition but with liberty to file an election petition before the Statutory Authority.

5. In view of the above, the instant petition is ordered to be dismissed as withdrawn, but with liberty to the petitioner to challenge the election of the respondent concerned, to the office of Sarpanch of the Gram Panchayat concerned, hence before the Statutory Authority of the Revenue District concerned. On such election petition being filed, the same shall be promptly decided in accordance with law.

**(SURESHWAR THAKUR)**  
**JUDGE**

**11.01.2023**

Ithlesh

**(KULDEEP TIWARI)**  
**JUDGE**

**Whether speaking/reasoned:-**  
**Whether reportable:**

**Yes/No**  
**Yes/No**