

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-PIL-63-2024 (O&M)
Date of decision:- 08.04.2024

Ravinder Singh Dhull
...Petitioner(s)

Versus
State of Haryana and others
...Respondent(s)

CWP-PIL-64-2024 (O&M)

Sandeep Kumar Goyat
...Petitioner(s)

Versus
State of Haryana and others
...Respondent(s)

CWP-PIL-70-2024 (O&M)

Jagmohan Singh Bhatti
...Petitioner(s)

Versus
Union of India and others
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Rajat Mor, Advocate,
for the petitioner in CWP-PIL-63-2024.
Mr. Sandeep Kumar Goyat, Advocate,
petitioner-in-person in CWP-PIL-64-2024.
Mr. Jagmohan Singh Bhatti, Advocate,
petitioner-in-person in CWP-PIL-70-2024.
Mr. B.R. Mahajan, Advocate General, Haryana,
with Mr. Deepak Balyan, Additional Advocate General, Haryana,
Mr. Samarth Sagar, Additional Advocate General, Haryana,
Mr. Ashok Chaudhary, Additional Advocate General, Haryana.
Mr. Satya Pal Jain, Additional Solicitor General of India,
with Mr. Ashish Rawal, Senior Panel Counsel,
for respondent No. 1 – Union of India in CWP-PIL-70-2024.
Mr. Prateek Gupta, Advocate,
for respondent No. 2 – Election Commission of India.

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G.S. SANDHAWALIA, A.C.J. (ORAL)

1. The challenge made in the present set of writ petitions by way of
Public Interest Litigation is to the impugned press note dated 16.03.2024

(Annexure P-4) by which the Commission has announced bye-elections in 21 Karnal Assembly. Prayer is made for prohibiting the Commission from issuing the gazette notification which is scheduled for 29.04.2024 for the bye-election on the ground that the period of Assembly is less than one year as general elections of the Assembly are likely to be held in October, 2024 as term of the Assembly for Haryana State is ending on 03.11.2024.

2. Learned counsel for the respondents have brought to our notice the judgment dated 03.04.2024 passed by the Coordinate Bench in CWP-7407-2024 titled ***Kunal Chanana Vs Election Commission of India and others***, whereby the similar relief as such has been denied to the writ petitioner.

3. Learned counsel for the petitioners have submitted that the judgment would require re-consideration in as-much-as the judgment of the three Judge Bench of the Apex Court in ***Pramod Laxman Gudadhe Vs Election Commission of India and others***, 2018 AIR (SC) 2356 has been mis-read. It is, accordingly, submitted that the judgment rendered by a Division Bench of the Bombay High Court (Nagpur Bench) in ***Mr. Sandeep Yashwantrao Sarode Vs Election Commission of India, through its Chief Election Commissioner and other Companion Election Commissioner, Nirvachan Sadan, Ashoka Road, New Delhi 110001 and others*** has been wrongly distinguished and, as such, the judgment of the Coordinate Bench would be *per-incuriam*. It is, thus, submitted that the matter would require a fresh look.

4. We are of the considered opinion that since the judgment has already been pronounced by the Coordinate Bench, the principle of judicial comity would require this Court not to take a different view than the one

expressed by the Coordinate Bench in *Kunal Chanana* (supra) and the petitioners can seek their liberty to challenge the same in accordance with law, if they have any such grievance, as it would be a more expeditious remedy.

5. The writ petitions, accordingly, stand disposed of with the aforesaid liberty.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

08.04.2024
Amodh Sharma

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