

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

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CWP-6277-2024

Date of Decision : March 04, 2025

S.M.D.R.S.D. COLLEGE SOCIETY

-PETITIONER

V/S

STATE OF PUNJAB AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Randhir Singh Manhas, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Prateek Gupta, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. The prayer clothed in the instant writ petition appertains to issuance of directions upon the respondent No.3 not to requisition the premises of the petitioner-College for the Lok Sabha Election 2024.

2. The grievance encompassed in the instant writ petition is that, as and when the election phase arrives in District Pathankot, it has become a general practice for the authority concerned to, without adhering to the guidelines issued by the Election Commission of India on 28.07.2010 (Annexure P-7), requisition the premises of the petitioner-College for setting up polling stations/strong room/counting centre. Following this trend, this time again, the premises of the petitioner-College have been requisitioned for the Lok Sabha Elections scheduled to be held in April, 2024. Owing to this requisition, especially in April, 2024, which is the examination phase, the examination centre of students

was shifted from the petitioner-College to some other premises, which not only caused harassment to the students but also affected their academics.

3. The learned State counsel submits that, the prayer enclosed in the instant writ petition has become infructuous inasmuch as the election process has already been completed. He further submits that, post completion of the election process, the authority concerned assessed the damage caused to the premises of the petitioner-College and thereupon got the necessary repairs done through allotting a tender to the P.W.D.

4. At this stage, the learned counsel for the petitioner submits that, although the prayer wrapped in the instant petition has become infructuous, however, the requisition practice (*supra*) is being adopted every time as and when elections are scheduled to be held in District Pathankot. In fact, the petitioner-College had earlier also, on account of its being seized of an alike grievance as encapsulated in the instant writ petition, accessed this Court through instituting CWP-13184-2021, however, on account of completion of election process, the said writ petition was disposed of, vide order dated 19.05.2022, by leaving the issue at hand open for the future. Therefore, he prays that, a direction may be passed upon the respondents No.3 and 4 to, before making any requisition in respect of the premises of the petitioner-College in future, adhere to the guidelines issued from time to time by the Election Commission of India, especially the guidelines dated 28.07.2010 (Annexure P-7).

5. This Court finds the prayer made by the learned counsel for the petitioner to be *bona fide* and innocuous. Hence, the instant writ

petition is **disposed of** with a direction upon the respondents No.3 and 4 to, before making any fresh requisition in respect of the premises of the petitioner-College in future, adhere to the guidelines issued from time to time by the Election Commission of India, especially the guidelines dated 28.07.2010 (Annexure P-7).

March 04, 2025
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(KULDEEP TIWARI)
JUDGE

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