



154

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

CWP-12901-2025 (O&M)

Date of decision: May 12, 2025

Ranjit Kaur

....Petitioner

versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Amrik Singh, Advocate for the petitioner.

Mr. Kuljit Singh, Additional AG Punjab.

SUDHIR SINGH, J. (ORAL)

CM-7179-CWP-2025

For the reasons stated in application, same is allowed. Affidavit of the petitioner is taken on record, subject to all just exceptions.

Main case (O&M)

The petitioner has sought issuance of a writ in the nature of Certiorari quashing the order dated 13.03.2025 (Annexure P-21); revised voter-list dated 02.04.2025 (Annexure P-23); letter dated 25.04.2025 (Annexure P-25) and notification dated 05.05.2025 (Annexure P-26).

2. It may be noticed that this is the 5th writ petition filed by the petitioner (and others) in respect of the elections for the Gram Panchayat Village Lakhmir Ke Uttar.

3. Learned counsel for the petitioner has vehemently argued that vide notification dated 07.02.2025 (Annexure P-13), the elections of the Gram Panchayat were notified, but instead of conducting the elections, the scheduled elections were cancelled. The petitioner challenged the said action by way of CWP-10088-2025, which was disposed of vide order dated 07.04.2025 (Annexure P-22) by this Court. It is further submitted that *de hors* the directions issued in the aforesaid order, the respondent-authorities revised the voters-list and included the votes therein even of the people who are not the residents of the said Gram Panchayat. Thereafter, the respondent-authorities have issued another notification dated 05.05.2025 (Annexure P-26) notifying the elections for the said Gram Panchayat. It is the contention of the learned counsel for the petitioner that the voters-list has been revised by adding the names of the people who are not the residents within the Gram Panchayat.

4. On the other hand, on advance service of copy of petition, learned State counsel appears and submits that the election has already been notified, and the same ought not to be interfered with by this Court. He further submits that the objections submitted by the petitioner in respect of the revised voters-list were considered before the said list was finalized. Thus, he has prayed for dismissal of the writ petition.

5. We have heard learned counsel for the parties and have also gone through the paper-book carefully.

6. The only question that arises for consideration in the present writ petition as to whether in view of the elections of the Gram Panchayat having been notified, the petitioner requires any indulgence by this Court.

7. As noticed above, this is the 5th round of litigation in respect of the election of the same Gram Panchayat i.e., Gram Panchayat Village Lakhmir Ke Uttar. In the earlier rounds of litigation, writ petitions filed were disposed of with certain directions. Each of the time, the elections were either directed to be held or notified by the respondent-authorities. The primary grievance of the petitioner is that the respondent-authorities have prepared a voters-list, including the names of the people who are not even the resident of/ within the said Gram Panchayat. It is conceded by the petitioner that she had submitted her objection to the revised voters-list.

8. In normal circumstances as was being done by this Court from time to time, the respondent-authorities are issued the requisite directions to conduct the elections in a free and fair manner. However, the fact remains that for the sometime now, the elections of the Gram Panchayat Village Lakhmir Ke Uttar was being deferred on one ground or the other. Now, it is the conceded case on both sides that election in question has been notified vide notification dated 05.05.2025 (Annexure P-26).

9. It may be pertinent to mention that Article 243-O(b) of the Constitution of India stipulates that no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State. Still further, Section 30 of the Punjab State Election Commission Act, 1994 (for short 'Act of 1994') stipulates preparation and revision of electoral rolls. Section 31 of the Act of 1994 provides for correction of entries in electoral rolls, whereas, Section 33 of the Act of 1994 provides that an appeal against the order of the Electoral Registration Officer

made under Section 31 or Section 32 shall lie to the Election Commission in such manner and within such time, as may be prescribed in this behalf. Admittedly, the petitioner has not availed any remedy under Section 33 *ibid* as the sole grievance of the petitioner is with regard to preparation of electoral rolls i.e., voters-list. Still further, the Hon'ble Supreme Court in its latest order dated 06.11.2024 passed in **Mandeep Singh and another versus Collector and others**, has held that when the election process has begun, no order should normally be passed by the Court interfering with the elections. It is further held that if in such election matters, an interference is made by the Courts, then in all likelihood, no election can take place and the remedy, which is always available to the other side, is by way of an election petition or a civil suit, whatever the case may be, after the elections are over. The relevant extract from the said order reads as under:-

“The law is settled in such cases in view of judgments of this Court in “N.P. Ponnuswami Vs. Returning Officer, Namakkal Constituency And Others” reported in (1952) S.C.R.218 and Mohinder Singh Gill & Anr. Vs. The Chief Election Commissioner, New Delhi & Ors. reported in (1978)1 SCC 405, which is that when the election process has begun, no order should normally be passed by the courts interfering with the election. The logic being that, if in such election matters, an interference is made by the Courts, then in all likelihood, no election can take place ever. The remedy, which is always available to the other side, is by way of an Election Petition or a Civil Suit, whatever the case may be, after the elections are over.”

10. In view of the above, we find that it is not appropriate for this Court to interfere time and again in respect of election process of the Gram Panchayat in question especially when the same has already been notified and the election process has begun. Thus, while answering the question framed above in negative, we dismiss the present writ petition.

11. Needless to say that the petitioner shall be at liberty to challenge the election, if aggrieved, in accordance with law by way of an election petition or a civil suit, as the case may be.
12. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(ALOK JAIN)
JUDGE

May 12, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No