

2025:PHHC:000026-DB



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH.

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CWP-35347-2024 (O&M).
Date of Decision: 01.01.2025.

JATINDER SINGH AND OTHERS

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.
HON'BLE MR. JUSTICE SUMEET GOEL.

Present: Ms. Riffi Birla, Advocate,
(Through Video Conference)
for the petitioner.

Mr. Balwinder Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in instant writ petition is for directing respondent No.4-Sub Divisional Magistrate, Fazilka, exercising the powers of Election Tribunal, Fazilka, to entertain and adjudicate upon the election petition that may be filed by the petitioners notwithstanding the expiry of limitation period of 45 days.

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2 Learned counsel appearing for the petitioners through video conference contends that the petitioners along with other aspirants had submitted their nomination papers with respondent No.6 for the elections that were held on 15.10.2024 and three candidates namely Krishan Singh, Raj Singh and Jatinder Singh, contested for the post of Sarpanch and 14 candidates contested for the post of Member Panchayat out of which 07 were declared as elected. Raising objection as to the manner in which the election results were declared, the petitioners instituted petitions, however, the same were not being accepted under the pressure of the members of the Legislative Assembly. She submits that at this juncture, the petitioners would be satisfied in case the respondent-Election Tribunal is directed to accept the election petitions to be filed by the petitioner and thereafter, to take a decision thereupon in accordance with law.

3 Notice of motion.

4 Learned State counsel contends that there was no refusal on the part of the official respondents in accepting the election petitions and that in the event of petitioners approaching the Election Tribunal by filing petitions in a manner known to law, an appropriate decision thereupon shall be taken in accordance with law.

5 Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present writ petition is disposed of with liberty to the petitioners to approach the Election Tribunal with an appropriate petition on or before 03.01.2025. The respondent-Election Tribunal shall accept the same and shall pass a reasoned and

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speaking order thereupon in accordance with law after affording an opportunity of hearing to the respective parties.

6 A copy of the order be handed over to the counsel for the parties under the signatures of the Bench Secretary.

(VINOD S. BHARDWAJ)
JUDGE

January 01, 2025.
raj arora

(SUMEET GOEL)
JUDGE

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