



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

CWP-36817-2025

Date of decision: 11th December, 2025

Atithpal Singh & others

... Petitioners

Versus

State of Punjab & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. A.P.S. Deol, Senior Advocate with
Ms. Dilpreet Kaur, Advocate for the petitioners.

Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab.
Mr. Salil Sabhlok, Senior Deputy Advocate General, Punjab.

SHEEL NAGU, CHIEF JUSTICE

1. The petitioners, who are 14 in number, have preferred this petition essentially assailing the rejection of their nomination papers filed in the election to the members of Panchayat Samiti and Zila Parishad, Block Dhariwal, District Gurdaspur vide impugned order dated 05.12.2025 (Annexure P-5).

2. It is the contention of learned senior counsel for the petitioners that in a mechanical manner without any application of mind, the competent authority has issued the impugned order (Annexure P-5) by assigning singular reason of the petitioners being in illegal possession of Government land, thereby suffering disqualification in terms of Chapter IV, Section 11 of the Punjab State Election Commission Act, 1994.

3. After arguing for a while, learned senior counsel for the petitioners restricts his argument to a direction to the State Election Commissioner of Punjab to consider their representations made.

4. Reliance is placed on an interim order passed on 09.10.2024 in CWP-26439-2024 vide Annexure P-7; decision of the Apex Court in

'Union Territory of Ladakh & others vs. Jammu and Kashmir National

Conference & another’ (Civil Appel No.5707 of 2023 d/d 06.09.2023); Full-bench decision of this High Court **‘Prithvi Raj vs. State Election Commission, Punjab & others’** CWP 3575-2003 d/d 25.07.2007; and another decision of Apex Court in **‘Mohinder Singh Gill & another vs. The Chief Election Commissioner, New Delhi & others’** 1978 AIR (SC) 851.

5. At the very outset, it may be clarified that the interim order vide Annexure P-7 relied upon by the petitioners is of no avail to them since the same had been vacated and the petitions were dismissed by the Division Bench subsequently on 14.10.2024.

6. The other decision relied upon by the learned senior counsel in the case of **Union Territory of Ladakh vs. Jammu and Kashmir National Conference** also is of no avail to the petitioners since the factual matrix attending the said case were that of non-grant of a particular election symbol to a particular party and not regarding cancellation of nomination forms.

7. The other decision relied upon by the petitioners in the case of **‘Prithvi Raj vs. State Election Commission, Punjab’**, too does not assist the petitioners since the Full Bench decided not to interfere in the election process due to the Constitutional bar under Article 243-O (relating to municipal elections), which is similar and identical to the Constitutional bar in respect of Panchayat election under Article 243-ZG.

8. The last case relied upon is that of **‘Mohinder Singh Gill vs. Chief Election Commissioner New Delhi & others’** of the Apex Court, in which the larger Bench of 5-Judges laid down various principles of law while upholding the decision of the Chief Election Commission, and therefore, decided the general principles of law laid down in respect of scope of interference under Article 226. The said decision further does not assist the petitioners.

9. Reliance is also placed on a recently passed interim order on 10.12.2025 in CWP-PIL-358-2025, CWP-PIL-360-2025 and CWP-PIL-371-2025, which being of interim nature does not have any precedential value and therefore is of no avail to the petitioners.

10. Learned counsel for the rival parties do not dispute that the election program was published for the said Panchayat Election on 01.12.2025, whereafter the Constitutional bar of interference in election matters kicked in. The only stage now left is of polling on 14.12.2025.

11. In view of the constitutional bar contained under Article 243-O and the self-imposed restriction practiced by the superior Courts in refraining from interfering in election matters, especially when the election process has triggered, this Court declines interference in the present case.

12. Before parting, this Court expects the Election Commission to deal with the representations of the petitioners in regard to the wrongful rejection of nomination papers of petitioners.

13. With the aforesaid hope and expectation, this petition stands disposed of without interference on merits of the case.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

December 11, 2025

rps

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