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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1125/2025**

SATISH CHAUHAN

.....Petitioner

Through: Mr. Deepak Chauhan and Mr. Kamal Chauhan, Advocates.

versus

CHIEF ELECTION COMMISSIONER & ORS.Respondents

Through: Mr. Ankit Agarwal, Standing Counsel with Ms. Viyushti Rawat and Mr. Ashish Shukla, Advocates for R-1.

Mr. Arun Panwar, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.01.2025

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CM APPL. 5567/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition is preferred on behalf of the Petitioner seeking the following reliefs:-

"1. Issue , order or direction in or any other , or directions to the Respondent, as per Representation of the People Act 1950. thereby directing the respondents no. 2 & 3, its officials, servants, assigns, attorneys etc etc to declare the respondent no. 3 to be disqualified for contesting the upcoming elections scheduled to be held in February 2025 and his nomination form to be cancelled and declared invalid for the above stated reason(s), in the interest of law and justice.

2. Further, the respondent no. 2 be also directed to immediately stop/put on hold the pensionary and other consequential benefits being given to the respondent no. 3 on account of his holding the position of Local MLA Sultan Pur Mazra and Minister in Delhi Govt in the past, with immediate effect, in the interest of law and justice.

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3. Directions be given to the respondent No. 1 & 2 to initiate legal action for the above be also initiated against the respondent no. 3.

4. Cost of the present petition be also allowed in favour of the petitioner and against the respondent.”

4. Learned counsel appearing on behalf of Respondent No. 1, at the outset, takes an objection to the maintainability of this writ petition on the ground that the remedy of the Petitioner lies in filing an election petition and in this context, draws the attention of the Court to Section 100(1)(d) and Sections 80 and 81 of the Representation of People Act, 1951 and the judgments of the Supreme Court in *N.P. Ponnuswami v. Returning Officer, Namakkal Constituency and Others*, (1952) 1 SCC 94 and *Mohindhr Singh Gill and Another v. Chief Election Commissioner, New Delhi and Others*, (1978) 1 SCC 405 and judgments of the Co-ordinate Benches of this Court in *Vijay Pal Singh v. Union of India and Others*, 2019 SCC OnLine Del 8371 and in *Kiran Pal Singh Tyagi and Others v. State (NCT of Delhi) and Others*, 2020 SCC OnLine Del 421

5. At this stage, learned counsel for the Petitioner, on instructions, seeks to withdraw this writ petition with liberty to file an election petition, if so advised.

6. Writ petition is disposed of as withdrawn with liberty as prayed for.

JYOTI SINGH, J

JANUARY 29, 2025/shivam