



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

CWP-9662-2026

Date of Decision : 01.04.2026

Rana Inder Pratap Singh and othersPetitioners
VERSUS
State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Mr. D.S Patwalia, Senior Advocate with
Mr. A. S Chadha, Advocate for the petitioners.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Prayer in the petition is for quashing the election of respondent Nos.4 and 5 held on 16.03.2026 to the post of Chairman and Vice Chairman, Panchayat Samiti, Sultanpur Lodhi respectively, on the ground that the said elections have not been conducted in a fair and transparent manner, as only 7 members, who belonged to one single party out of total 16 members remained present in the meeting and the rest of the 9 members were not permitted to enter the premises for voting.

2. Learned Senior counsel appearing on behalf of the petitioners argues that all the members should have been allowed to vote, but the petitioners were restrained from voting hence, once, 9 out of the total 16 members are before this Court, it can be very well assumed that they are on one side, having the majority. Learned Senior counsel for the petitioners further argues that once, the allegations that they were restrained from voting stands proved keeping in view the averments made in the writ petition therefore, the elections conducted on 16.03.2026, wherein respondent Nos.4 and 5 have been elected as a Chairman and Vice Chairman

of the Panchayat Samiti, Sultanpur Lodhi, respectively, is liable to be set aside.

3. Learned Senior counsel for the petitioners further submits that the present election is an indirect election to the post of Chairman and Vice Chairman, Panchayat Samiti, Sultanpur Lodhi from the elected members, therefore, the election petition would not be maintainable rather a writ petition will be maintainable. Hence, this Court has jurisdiction to adjudicate with regard to the allegations that the petitioners, who claim to have majority, were restrained from exercising their right to vote in the elections held on 16.03.2026 to the post of Chairman and Vice Chairman, Panchayat Samiti, Sultanpur Lodhi respectively.

4. Keeping in view the advance copy given to the learned State, Mr. Rahul Rampal, Addl. A.G., Punjab, appears on behalf of the respondent-State.

5. Learned counsel for the respondent-State submits that a disputed question of fact arises in the present petition. Learned counsel for the respondent-State submits that free and fair elections were conducted and the averment that the petitioners were restrained in any manner from participating in the elections held on 16.03.2026, is incorrect and elections were held in a manner required. Hence, the appropriate remedy is to file an election petition to prove the allegation that the petitioners were prevented from participating in the meeting held on 16.03.2026, wherein respondent Nos. 4 and 5 were elected to the posts of Chairman and Vice Chairman, Panchayat Samiti, Sultanpur Lodhi, respectively.

6. Learned counsel for the respondent-State further submits that as per the judgment of the Hon'ble Supreme Court of India in Civil Appeal

No.6325 of 2005 (arising out of SLP (C) No.21724 of 2003) titled “***Harnek Singh Vs. Charanjit Singh and ors.***” dated 07.10.2005, it has been held that a writ petition is not maintainable to challenge such elections and election disputes must be determined only by way of an Election Petition. Therefore, in view of the facts and circumstances of the present case, wherein certain allegations are made against certain authorities, who are not parties to the petition, the appropriate remedy available to the petitioners is to approach the Election Tribunal.

7. We have heard the learned Senior counsel for the parties and have gone through the records of the present case with their able assistance.

8. Firstly, the allegations made in the present petition are that the petitioners are in the majority hence, they would have voted for a particular candidate of their choice hence, the election of the respondent No.4 and 5 to the post of Chairman and Vice Chairman, Panchayat Samiti, Sultanpur Lodhi, respectively, is bad.

9. It may be noticed that merely averring before this Court that had they been allowed to vote, they would have voted for a particular candidate cannot be accepted especially, when the outcome depends upon the actual voting conducted at the time of the election.

10. Reliance can be placed upon judgment in CWP No.8767 of 2026 titled “***Inderjeet Singh and others vs. State of Punjab and ors.***” dated 24.03.2026, wherein a candidate claiming majority sought directions for holding elections in a free and fair manner under the supervision of the Deputy Commissioner, which benefit was granted to them and ultimately, out of the members claiming majority, the members voted over the other candidates, which shows that there is no certainty that any allegations made

before this Court, is to be treated as a truth to hold that the petitioners, who claim majority, would have voted for a particular candidate, so as to set aside the election of private respondents.

11. Learned Senior counsel for the petitioners further submits that the petitioners were prevented from participating in the meeting dated 16.03.2026. The said fact is disputed by the learned State counsel.

12. It may be noticed that once a disputed question of fact arises, whether, the petitioners were prevented from participating in the meeting dated 16.03.2026, the question arises whether the said issue can be decided in the writ petition or not. As per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.2848 of 2021*** titled as ***Shubhas Jain vs. Rajeshwari Shivam and others***, decided on **20.07.2021**, that where disputed question of facts are involved, the writ petition should not be entertained, will come into picture. The relevant paragraph 26 of the said judgment is as under:-

"26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of fact. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable."

13. Learned Senior counsel for the petitioners submits that in case the writ petition is not maintainable, what is the remedy available to the petitioners.

14. It may be noticed that a similar question in respect of the elections to the post of Chairman and Vice Chairman, Panchayat Samiti, Sultanpur Lodhi, came for consideration before the Hon'ble Supreme Court of India in ***Harnek Singh's case (supra)***, wherein it has been held that with respect to such elections, an Election Petition is maintainable.

15. Learned Senior counsel for the petitioners submits that though, the said judgment describes the Election Petition as a remedy, it is not the only remedy which may be available and issue can be decided in the writ petition as well.

16. It may be noticed that this Court, in the preceding paragraphs, has already held that the present petition involves the disputed question of fact. Once such a finding has been recorded, the only remedy is an Election Petition so as to prove the allegations to set aside the resolution passed in the meeting dated 16.03.2026 of the Panchayat Samiti, Sultanpur Lodhi.

17. Learned Senior counsel for the petitioners places reliance upon the judgment of the Division Bench of this Court in *Inderjeet Singh's case (supra)*, to contend that in somewhat similar circumstances, the direction was given to hold the elections again.

18. It may be noticed that in the said writ petition, there was no resolution passed in the meeting held for election to the post of Chairman/Vice Chairman of the Panchayat Samiti concerned directing or declaring any candidate as a winning candidate by the Returning Officer rather the grievance being raised before the Court was that despite having a majority, the elections were not being held and were being postponed and under those circumstances, directions were issued to hold elections on a particular date. In the present case, there is already a resolution dated 16.03.2026 declaring the respondent Nos.4 and 5 to be elected for the post of Chairman and Vice Chairman, Panchayat Samiti, Sultanpur Lodhi, respectively, which was not the situation in the *Injderjeet Singh's case (supra)*.

19. Learned Senior counsel for the petitioners places reliance upon the judgement of the Full Bench of this Court in CWP No.4752 of 2015 titled “***Prem Chand and ors. Vs State of Punjab and ors.***”. dated 28.10.2015, to contend that no election petition can be filed for disputing elections to the office bearers of the Municipalities.

21. It may be noticed that once, this Court has considered the judgment of the Supreme Court of India in ***Harnek Singh’s case (supra)***, wherein a finding has been recorded that an election petition is maintainable for such elections to the post of Chairman/Vice Chairman of Panchayat Samiti, no benefit can be derived from reliance on the judgment in ***Prem Chand’s case (supra)***, especially when the present petition involved disputed question of fact.

22. No other argument has been raised.

23. Keeping in view the fact that a disputed question of fact has arisen in the present petition, the present petition is dismissed with an observation that the remedy available to the petitioners is to approach the appropriate forum by way of filing an Election Petition.

(HARSIMRAN SINGH SETHI)
JUDGE

01-04-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO