

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-26439-2024 (O&M)	RAMANJEET KAUR V/S STATE OF PUNJAB AND ORS
CWP-26503-2024 (O&M)	HARJIT KAUR AND ANR V/S STATE OF PUNJAB AND ORS.
CWP-26453-2024	DAVINDER SINGH AND ORS. V/S STATE ELECTION COMMISSION AND ORS.
CWP-26459-2024	BALWINDR KAUR AND ANR V/S STATE OF PUNJAB AND ORS.
CWP-26460-2024	PARAMJIT KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26461-2024	GURMEET KAUR AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26462-2024	CHARANJIT SINGH AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
CWP-26463-2024	MAJOR SINGH V/S STATE ELECTION COMMISSION AND OTHERS
CWP-26465-2024	MALKIT SINGH AND ANOTHER V/S STATE ELECTION COMMISSION PUNJAB AND OTHERS
CWP-26466-2024	NARPINDER SINGH V/S STATE OF PUNJAB AND ORS
CWP-26467-2024	CHIMAN SINGH SARPANCH V/S STATE OF PUNJAB AND ORS
CWP-26468-2024	RANJIT SINGH AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26469-2024	JOGRAJ SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26470-2024	MANWINDER SINGH AND ORS. V/S STATE OF PUNJAB AND ORS.
CWP-26472-2024	HARMEET KAUR AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26473-2024	JAGJIWAN LAL AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26474-2024	NAVPREET KAUR AND OTHERS V/S STATE OF PUNJAB AND OTHERS

<b>CWP-26475-2024</b>	MANWINDER SINGH AND ORS V/S STATE OF PUNJAB AND ORS
<b>CWP-26478-2024</b>	SHAMSHER SINGH V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26480-2024</b>	HARDEEP SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26481-2024</b>	GURPREET SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26482-2024</b>	USHA RANI AND OTHERS V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26483-2024</b>	RAVINDER KAUR V/S STATE OF PUNJAB AND ORS
<b>CWP-26484-2024</b>	AVTAR SINGH AND ORS V/S STATE OF PUNJAB AND ORS
<b>CWP-26485-2024</b>	NAVJOT SINGH V/S STATE OF PUNJAB AND ORS
<b>CWP-26486-2024</b>	JAGJIT KAUR BHINDER AND OTHERS V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26488-2024</b>	PARAMJEET KAUR AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26489-2024</b>	GURDEEP SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26490-2024</b>	DILBAGH SINGH V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26491-2024</b>	JASVIR KAUR V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26493-2024</b>	SANDEEP SINGH V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26494-2024</b>	LAKHMIR SINGH AND ORS. V/S STATE OF PUNJAB AND ORS.
<b>CWP-26495-2024</b>	HARSIMRAN SINGH AND ORS V/S STATE ELECTION COMMISSION AND ORS
<b>CWP-26496-2024</b>	GURSEWAK SINGH V/S STATE OF PUNJAB AND ORS
<b>CWP-26497-2024</b>	GURJEET SINGH AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26498-2024</b>	PARAMJIT SINGH V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26499-2024</b>	GURPREET KAUR V/S STATE OF PUNJAB AND ORS

CWP-26500-2024	GURPREET KAUR AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26501-2024	DHARAMPAL BHATT AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26502-2024	SATNAM SINGH V/S STATE OF PUNJAB AND ORS
CWP-26504-2024	MANJINDER SINGH V/S STATE OF PUNJAB AND ORS
CWP-26505-2024	HARBANS SINGH AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
CWP-26506-2024	SHANKUNTALA AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26507-2024	RAJVIR SINGH V/S STATE OF PUNJAB AND ORS
CWP-26508-2024	PARAMJIT KAUR V/S STATE OF PUNJAB AND ORS
CWP-26509-2024	BALWINDER KAUR AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26510-2024	MALKEET SINGH AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26511-2024	SUKHWINDER KAUR AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26512-2024	BALDEV SINGH V/S STATE OF PUNJAB AND ORS
CWP-26513-2024	LAKHWINDER KAUR V/S CHIEF ELECTION COMMISSIONER OF PUNJAB AND ORS
CWP-26514-2024	MANGAL SINGH AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26515-2024	HARPAL SINGH AND OTHERS V/S STATE ELECTION COMMISSION, PUNJAB AND OTHERS
CWP-26516-2024	KAWALJEET KAUR AND OTHERS V/S STATE OF PUNJAB AND ORS.
CWP-26517-2024	BALBIR KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26518-2024	CHARANJIT SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26519-2024	SUMANDEEP SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26520-2024	RAJWINDER KAUR V/S STATE OF PUNJAB

	AND OTHERS
CWP-26521-2024	JAGJIT SINGH V/S STATE OF PUNJAB AND ORS
CWP-26522-2024	BALJIT KAUR AND OTHERS V/S STATE ELECTION COMMISSION AND OTHERS
CWP-26523-2024	CHARANJIT KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26525-2024	DILBAGH SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26526-2024	GURPIAR SINGH V/S STATE OF PUNJAB AND ORS
CWP-26527-2024	MANDEEP KAUR AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26529-2024	JASWINDER KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26530-2024	GOGA RAM AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26531-2024	ARSHDEEP SINGH V/S STATE ELECTION COMMISSION AND OTHERS
CWP-26532-2024	GAGANDEEP SINGH KHOSA AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26533-2024	GURJIT SINGH V/S STATE OF PUNJAB AND ORS.
CWP-26534-2024	INDERJEET KAUR V/S STATE ELECTION COMMISSIONER AND ORS
CWP-26536-2024	HARPREET SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26537-2024	BALJIT SINGH AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26538-2024	GURLAL SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26540-2024	SATYA KAUR AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26542-2024	SUNITA RANI AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26597-2024 & O&M CM-16596-CWP-2024	SANJEEV SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26543-2024	NAJAR SINGH V/S STATE OF PUNJAB AND OTHERS

CWP-26544-2024	MOHAN SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26545-2024	JAGSEER SINGH ALIAS JAGSEER SINGH GREWAL V/S STATE OF PUNJAB AND OTHERS
CWP-26546-2024	CAPTAN SINGH V/S STATE OF PUNJAB AND ORS.
CWP-26547-2024	PARAMJIT SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26548-2024	HARJINDER SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26549-2024	RAJWINDER KAUR V/S STATE OF PUNJAB AND ORS
CWP-26550-2024	DIMPLE GILL AND ORS V/S STATE OF PUNJAB AND OTHERS
CWP-26551-2024	PARAMJIT KAUR AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
CWP-26552-2024	MAHINDER SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26553-2024	PARMINDER SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26555-2024	KAWALJIT KAUR AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
CWP-26556-2024	KOMALPREET KAUR V/S STATE OF PUNJAB AND ORS
CWP-26557-2024	AMRIK SINGH V/S STATE OF PUNJAB AND ORS.
CWP-26558-2024	KHUSHWINDER SINGH AND ANOTHER V/S PUNJAB STATE ELECTION COMMISSION AND OTHERS
CWP-26559-2024	GURWINDER KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26560-2024	GURDEEP KAUR V/S STATE OF PUNJAB AND ORS.
CWP-26561-2024	GURJANT SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26562-2024	PAWANDEEP KAUR V/S STATE OF PUNJAB AND ORS.
CWP-26563-2024	PARAMPREET SINGH V/S STATE OF PUNJAB AND ORS.

CWP-26564-2024	HARDEEP SINGH AND ORS. V/S STATE OF PUNJAB AND ORS.
CWP-26565-2024	RAJ KAUR AND ORS. V/S STATE OF PUNJAB AND ORS.
CWP-26566-2024	RANJIT SINGH AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26567-2024	KULWANT KAUR AND ANR V/S STATE OF PUNJAB AND OTHERS
CWP-26568-2024	AVTAR SINGH V/S STATE OF PUNJAB AND ORS
CWP-26569-2024	LOVEPREET KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26570-2024	RAJNI BALA V/S STATE OF PUNJAB AND ORS
CWP-26572-2024	SARABJIT KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26573-2024	AMARJIT KAUR AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26574-2024	GURPREET SINGH AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26575-2024	RAMESH RANI V/S STATE OF PUNJAB AND OTHERS
CWP-26576-2024	KAMLESH KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26577-2024	RANJIT KAUR AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
CWP-26578-2024	BALWINDER SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26580-2024	SUKHDEV SINGH V/S THE PUNJAB STATE ELECTION COMMISSION AND OTHERS
CWP-26581-2024	GAGANDEEP KAUR V/S STATE OF PUNJAB AND ORS
CWP-26582-2024	PAWAN KUMAR V/S STATE OF PUNJAB AND OTHERS
CWP-26583-2024	GURMIT SINGH V/S STATE OF PUNJAB AND ORS
CWP-26584-2024	KULWINDER KAUR AND ORS. V/S STATE OF PUNJAB AND ORS.
CWP-26585-2024	CHARANJIT KAUR V/S STATE OF PUNJAB AND ORS

CWP-26586-2024	JASWINDER KUMAR AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
CWP-26587-2024	NACHHATER SINGH AND ANR V/S STATE OF PUNJAB AND ORS
CWP-26588-2024	JANAKRAJ SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26589-2024	MANPREET SINGH THIND V/S STATE OF PUNJAB AND ORS
CWP-26590-2024	SWARAN SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26591-2024	KULDEEP CHAND V/S STATE OF PUNJAB AND OTHERS
CWP-26592-2024	MANDEEP SINGH V/S STATE OF PUNJAB AND ORS
CWP-26593-2024	PARGAT SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26594-2024	BALWINDER SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26595-2024	AMARJIT SINGH V/S STATE OF PUNJAB AND ORS.
CWP-26596-2024	TARSEM SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26598-2024	BALJINDER KAUR AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26599-2024	PARMINDER KAUR V/S STATE OF PUNJAB AND ORS.
CWP-26600-2024	PARAMJIT KAUR V/S STATE OF PUNJAB AND ORS.
CWP-26601-2024	SURJIT KAUR AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26602-2024	PARAMJIT SINGH AND ORS. V/S STATE OF PUNJAB AND ORS.
CWP-26603-2024	BALVEER KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26604-2024	SANTOSH KUMARI AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26605-2024	BALJINDER SINGH AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26606-2024	BALWINDER KAUR V/S STATE OF PUNJAB AND ORS.

CWP-26607-2024	GURWINDER SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26608-2024	BHUPINDER SINGH AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
CWP-26609-2024	PALWINDER KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26610-2024	NACHHATAR KAUR AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26611-2024	BHUPINDER SINGH V/S STATE OF PUNJAB AND ORS.
CWP-26613-2024	AMARJIT KAUR V/S STATE OF PUNJAB AND ORS.
CWP-26615-2024	KAMALJEET SINGH AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
CWP-26616-2024	SIMRANJIT SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26617-2024	MANJIT KAUR AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26618-2024	SUKHDEV SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26619-2024	RESHAM SINGH V/S STATE OF PUNJAB AND ORS
CWP-26620-2024	BALBIR SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26621-2024	KULWINDER SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26622-2024	KULWINDER SINGH AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
CWP-26623-2024	LAKHVIR SINGH V/S STATE OF PUNJAB AND ORS.
CWP-26624-2024	GURJEET SINGH V/S STATE OF PUNJAB AND ORS.
CWP-26625-2024	SUKHDEV SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26626-2024	LAKHWINDER KAUR V/S STATE OF PUNJAB AND ORS
CWP-26627-2024	DIWAN SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26628-2024	BALWINDER SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS



CWP-26629-2024	JASWINDER KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26631-2024	GURINDER SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26632-2024	BALJINDER SINGH ALIAS BALJINDER V/S STATE OF PUNJAB AND OTHERS
CWP-26633-2024	PAWANJEET SINGH THIND V/S STATE OF PUNJAB AND ORS
CWP-26634-2024	MANPREET KAUR AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26635-2024	BALVIR SINGH AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26636-2024	BALJINDER SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26637-2024	JASWANT KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26638-2024	HARJINDER SINGH V/S STATE OF PUNJAB AND ORS
CWP-26639-2024	SUKHPAL KAUR V/S STATE OF PUNJAB AND ORS
CWP-26640-2024	JASHANDEEP SINGH V/S STATE OF PUNJAB AND ORS
CWP-26641-2024	GURMEET SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26642-2024	KAWALJEET KAUR AND OTHERS V/S STATE OF PUNJAB AND OTHERS
CWP-26643-2024	RANJIT SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26644-2024	KAWALJIT SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26645-2024	JASPAL SINGH V/S THE PUNJAB STATE ELECTION COMMISSION AND OTHERS
CWP-26646-2024	DHARAMJIT SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26648-2024	SIMRAT KAUR AND OTHERS V/S STATE OF PUNJAB AND ORS
CWP-26649-2024	KULWANT SINGH AND ORS. V/S STATE OF PUNJAB AND ORS.
CWP-26650-2024	HARBHAJAN SINGH V/S STATE OF PUNJAB AND ORS

CWP-26652-2024	GURJIT KAUR V/S STATE OF PUNJAB AND ORS
CWP-26653-2024	AVTAR SINGH AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26654-2024	TIKKA SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26655-2024	GURDEESH KAUR BATH AND ORS V/S STATE OF PUNJAB AND OTHERS
CWP-26656-2024	HARJIT KAUR AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
CWP-26657-2024	KULWANT SINGH V/S STATE ELECTION COMMISSION PUNJAB AND ORS.
CWP-26658-2024	PARGAT SINGH AND ANR V/S STATE OF PUNJAB AND OTHERS
CWP-26659-2024	BALVEER KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26661-2024	SUKHDEV KAUR AND ORS V/S STATE OF PUNJAB AND ORS
CWP-26662-2024	SHINDER KAUR V/S STATE OF PUNJAB AND OTHERS
CWP-26663-2024	DALBIR SINGH AND ORS V/S STATE OF PUNJAB AND OTHERS
CWP-26664-2024	KAMALJIT SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26665-2024	BALDEV SINGH AND ANR V/S STATE OF PUNJAB AND ORS
CWP-26667-2024	MUKHTIAR SINGH V/S STATE OF PUNJAB AND OTHERS
CWP-26668-2024	RIPSLEEN KAUR V/S THE PUNJAB STATE ELECTION COMMISSION AND OTHERS
CWP-26670-2024	SUKHDEV SINGH JOSSAN AND ORS. V/S STATE OF PUNJAB AND ORS.
CWP-26671-2024	PARGAT SINGH AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
CWP-26672-2024	BALDEV SINGH AND ORS V/S STATE OF PUNJAB AND OTHERS
CWP-26674-2024	JASWINDER KAUR V/S STATE OF PUNJAB AND ORS
CWP-26675-2024	NIRMAL SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS

<b>CWP-26678-2024</b>	JUGSEER SINGH V/S STATE OF PUNJAB AND ORS
<b>CWP-26679-2024</b>	RAJNI V/S STATE OF PUNJAB AND ORS
<b>CWP-26680-2024</b>	JASVEER SINGH V/S PUNJAB STATE ELECTION COMMISSION AND ORS.
<b>CWP-26682-2024</b>	AJMER SINGH V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26685-2024</b>	SAHIB SINGH V/S STATE OF PUNJAB AND ORS
<b>CWP-26686-2024</b>	JAGIR SINGH V/S STATE ELECTION COMMISSION, PUNJAB AND ORS
<b>CWP-26687-2024</b>	RAM KUMAR AND OTHERS V/S STATE OF PUNJAB AND OTHERS
<b>CWP-26689-2024</b>	BAHADAR SINGH V/S PUNJAB STATE ELECTION COMMISSION THROUGH ITS SECRETARY

Present:- Mr. Deepak Sabharwal, Advocate,  
for the petitioner(s) (in CWP-26439 & 26440-2024).

Mr.Sanjeev Manrai, Sr. Advocate, with  
Mr.S.P. Garg, Advocate, for the petitioner(s)  
(in CWP-26594-2024)

Mr.Nikhil Ghai & Mr.Deepanshu Mehta, Advocates,  
for the petitioner(s) (In CWPs-26480, 26481, 26497, 26518 of  
2024)

Mr.Deepanshu Mehta, Advocate,  
for the petitioner(s) (in CWP-26486-2024)  
Mr.Ashok Kumar Sama, Advocate,  
for the petitioner(s) (in CWP-26552-2024)

Mr.R.S. Dhillon, Advocate,  
for the petitioner(s) (in CWP-26576-2024)

Mr.Rahi Mehra, Advocate,  
for the petitioner(s) (in CWP-26446-2024)

Mr.Ankit Rana, Advocate,  
for the petitioner(s) (in CWP-26473-2024)

Ms.Shubhreet Kaur Saron, Advocate,  
for the petitioner(s) (in CWP-26634-2024)

Mr.Kanwal Goyal and Ms.Sheena Dhaiya, Advocates,

for the petitioner(s) (in CWPs-26587 & 26640-2024)

Mr.Kirat Pal Dhaliwal, Advocate,  
for the petitioner(s) (in CWP-26659-2024)

Mr.Munish Mittal, Advocate,  
for the petitioner(s) (in CWP-26586 & 26591-2024)

Mr.J.S. Bhandari, Advocate,  
for the petitioner(s) (in CWP-26596-2024)

Mr.K.S. Hissowal, Advocate,  
for the petitioner(s) (in CWP-26602-2024)

Mr.Madan Sandhu and Mr.Onkar Singh, Advocates,  
for the petitioner(s) (in CWP-26485-2024)

Mr.Jimmy Singla, Advocate,  
for the petitioner(s) (in CWPs-26456, 26642 & 26569-2024)

Mr.Swaran Singh Tiwana, Advocate,  
for the petitioner(s) (in CWP-26461-2024)

Mr.Amardeep Singh, Advocate,  
for the petitioner(s) (in CWP-26478 & 26520-2024)

Mr.Baldev S. Sidhu, Advocate,  
for the petitioner(s) (in CWP-26484-2024)

Mr.Ankit Bishnoi, Advocate,  
for the petitioner(s) (in CWPs-26498, 26517, 26519, 26532-  
2024)

Mr.Hitesh Verma, Advocate,  
for the petitioner(s) (in CWP-26514-2024)

Mr.Hakam Singh and Ms.Amrita Negi, Advocates,  
for the petitioner(s) (in CWP-26517-2024)

Mr. Bhishan Das Rana, Advocate,  
for the petitioner(s) (in CWPs-26463 & 26531-2024)

Mr. Sonu Giri and Mr.Ravi Joshi, Advocates,  
for the petitioner(s) (in CWP-26560-2024)

Mr. S.K. Bhar & Mr.Jagtar Singh, Advocates,  
for the petitioner(s) (in CWP-26489-2024)

Mr.Lupil Gupta, Mr.Tarun Chawla, Mr.Nitin,  
Ms.Bhumika, Mr. Hritik and Ms.Simran, Advocates,

for the petitioner(s) (in CWP-26614 & 26654-2024)

Mr.Prateek Pandit, Advocate,  
for the petitioner(s) (in CWP-26491-2024)

Mr.Raghav Chadha, Advocate,  
for the petitioner(s) (in CWP-26687-2024)

Mr.G.S. Ghuman, Advocate,  
for the petitioner(s) (in CWP-26578-2024)

Mr.Rakesh Kumar Kachura, Advocate,  
for the petitioner(s) (in CWPs-26575, 26607, 26621 & 26632-  
2024)

Mr.NPS Maan & Mr. Mohit Kumar, Advocates,  
for the petitioner(s) (in CWPs-26496, 26516 and 26527-2024)

Mr.S.S. Sarwara and Mr.M.S. Bhatti, Advocates,  
for the petitioner(s) (in CWPs-26620 & 26574-2024)

Mr.Bhupinder Singh, Advocate,  
for the petitioner(s) (in CWP-26568-2024)

Mr.Sahil Soi, Advocate,  
for the petitioner(s) (in CWP-26611-2024)

Mr.Raj Kumar Malik and Mr.Amandeep Singh, Advocates,  
for the petitioner(s) (in CWP-26449-2024)

Mr.Munish Garg, Advocate,  
for the petitioner(s) (in CWP-26662-2024)

Mr.Kulwinder Singh, Advocate,  
for the petitioner(s) (in CWP-26521-2024)

Mr.Kulwinder Singh and Mr.S.S. Sawara, Advocates,  
for the petitioner(s) (in CWPs-26622 & 26635-2024)

Mr.Harneet Singh Oberio, Advocate,  
for the petitioner(s) (in CWPs- 26504, 26529 & 26530-2024)

Mr.Navraj Singh and Mr.Munish Bhardwaj, Advocates,  
for the petitioner(s) (in CWP-26587, 26610 & 26679-2024)

Mr.Jagdish Singh Mehla, Advocate,  
for the petitioner(s) (in CWPs-26554, 26571, 26614 and 26630-  
2024)

Mr.Kulwinder Singh, Ms.Shristi Shukla and  
Mr.Sukhtej Sandhu, Advocates,  
for the petitioner(s) (in CWP-26443-2024)

Mr.Manu Loona and Ms.Simarjit, Advocates,  
for the petitioner(s)  
(in CWP-26470, 26494, 26501, 26604, 26609 and 26641-2024)

Mr.J.S. Grewal, Advocate,  
for the petitioner(s) (in CWP-26507-2024)

Mr.Karan Monga, Advocates,  
for the petitioner(s) (in CWP-26606 & 26565-2024)

Mr.Piyush Sharma, Advocate,  
for the petitioner(s) (in CWP-26510 & 26542-2024)

Mr.Jasvir Singh Dhaliwal, Advocate,  
for the petitioner(s) (in CWPs-26459, 26502-2024)

Mr.Rajesh Bhatheja, Advocate,  
for the petitioner(s) (in CWPs-26491 & 26583-2024)

Mr.R.K. Arya, Advocate,  
for the petitioner(s) (in CWPs-26474, 26550 & 26597-2024)

Mr.Lakshey Bector, Mr.Ishmeet Singh and Ms.Simranjit Kaur,  
Advocates, for the petitioner(s) (in CWP-26495-2024)

Mr.Kulwinder. S. Lakhanpal, Advocate,  
for the petitioner(s) (in CWP-26547-2024)

Ms.Satinder Kaur, Advocate,  
for the petitioner(s) (in CWP-26682-2024)

Mr.Manish Kumar Singla and Mr.Kuljinder Singh, Advocates,  
for the petitioner(s) (in CWP-26545-2024)

Mr.Manish Kumar Singla, Ms.Sikha Singla and  
Mr.Dinesh Kumar, Advocates,  
for the petitioner(s) (in CWP-26488-2024)

Mr.Anil Mehta and Ms.Sukriti Kaur, Advocates,  
for the petitioner(s) (in CWP-26543-2024)  
Mr.Anil Mehta and Ms.Livleen Brar, Advocate,  
for the petitioner(s) (in CWPs-26477, 26479, 26487 and 26492-  
2024)

Mr.Amit Arora, Advocate, for the petitioner(s)  
(in CWPs-26555, 26577, 26625, 26644 and 26667-2024)

Mr.Karan Jund, Advocate,  
for the petitioner(s) (in CWP-26544-2024)

Ms.Preety, Advocate,  
for the petitioner(s) (in CWP-26503-2024)

Mr.Yogesh Kumar Aneja,  
Advocate, for the petitioner(s) (in CWP-26512-2024)

Mr.J.S. Mehal, Advocate,  
for the petitioner(s) (in CWP-26636-2024)

Mr.Virender Soni, Advocate, for the petitioner(s)  
(in CWPs-26523, 26526, 26536, 26563 and 26628-2024)

Mr.Manpreet Longia, Addl. A.G., Punjab.  
Mr.Salil Sablok, Sr. DAG, Punjab  
Mr.Maninder Singh, Sr.DAG, PUnjab.

Ms.Rajni Gupta, Advocate,  
for respondents No. 6 & 7 (in CWP-26465-2024)

Mr.R.K. Singla, Advocate, for the respondents  
(in CWP-26558-2024)

Mr.Sunny Deep Juneja, Advocate, with  
Ms.Siddhi Bansal and Ms.Riddhi, Bansal, Advocates,  
for respondent No.8 (in CWP-26443-2024).

\*\*\*\*\*

**CM-16595-2024**

This is an application under Section 151 CPC for placing on record the relevant documents annexed as Annexures P-8 to P-11.

For the reasons mentioned in the application as well as submissions made before this Court by learned counsel for the petitioner, the same is allowed subject to all just exceptions. Annexures P-8 to P-11 are taken on record.

The application stands disposed of.

1. This Court having taken note of the nature of dispute involved and the question raised to be substantially similar and identical in nature, all the above writ petitions are being heard together and a common order is being passed after the proceedings for today.

2. To avoid repetition and bulkiness for today's order at this stage, the facts from CWP No.26439 of 2024 titled as "***Ramanjeet Kaur versus State of Punjab and others***" are being taken note of.

**Relief sought**

3. The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the list dated 05.10.2024 (Annexure P-4) displayed by respondent No.4-Returning Officer, Cluster No.12, SAS Nagar, Mohali declaring respondents No.5 to 7 to be eligible to contest the elections of Sarpanch of village Papri with a further prayer seeking writ of mandamus directing the official respondents to consider the nomination form of the petitioner for contesting the elections of Sarpanch, village Papri and also to consider the objections dated 05.10.2024 (Annexure P-5 to P-7) raised by the petitioner and other inhabitants of village Papri along with in the interim to stay the election process for the post of Sarpanch, village Papri, scheduled to be held on 15.10.2024.

**Factual Matrix**

4. The brief facts leading to the filing of the present petition folds as under:-

The petitioner is challenging the eligibility of respondents No.5



to 7 to contest the elections for the office of Sarpanch of Village Papri.

Despite submitting a nomination form on 04.10.2024 and requisite documents, the petitioner's name was not included in the list of eligible candidates published on 05.10.2024 at 10:30 p.m. (Annexure P-4). In contrast, respondents No.5 to 7 were deemed eligible, although they are in unauthorized occupation of panchayat land, which disqualifies them from contesting the elections under Section 208 of the Punjab Panchayati Raj Act, 1994. The petitioner and other villagers submitted objections and supporting documents to substantiate this claim. The respondents' unauthorized possession of panchayat land is evident from the documents (Annexures P-5 to P-7), including admissions by the husbands of respondents No. 5 and 6 and the father-in-law of respondent No.7.

**Preliminary objection raised on behalf of the respondent-State**

5. Mr. Salil Sablok, learned Sr. DAG, Punjab would insist on adjudication of preliminary objection raised on behalf of the State i.e. the present writ petition is not maintainable in the light of alternate efficacious remedy available to the petitioners by way of filing election petition before the Election Tribunal having constituted by the State Government under Section 73 of the Punjab State Election Commission Act, 1994 (hereinafter referred to as 'Act of 1994' in short).

6. In view of the aforesaid objection raised on the maintainability of the bunch of present writ petitions itself, before adverting to the merits of the case, we deem it appropriate to proceed on hearing the issue accordingly.

**Arguments on behalf of the State**

7. Mr. Sablok would submit that the State Government has

constituted an Election Tribunal at District Head Quarters after consideration with the State Election Commissioner. Thereafter, reference has been made to Section 79 of the Act of 1994 in an attempt to demonstrate the relief prayed in the instant writ petitions can be sought by way of an election petition and reading the same in conjoint with Section 89 of the said Act under sub-Section 1(a)(c) would argue that the Election Tribunal shall declare the election of the returned candidate to be void. In addition thereof, he has also deriving support from part 9 of the Constitution of India under Article 243(k) to State that the Superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor and argued that the present petitions are not maintainable on account of a bar to interfere by the Courts in election matters as enshrined under Article 243-O.

8. The State has relied upon a Three Judge Bench of Hon'ble Supreme Court of India in "***West Bengal, State Election Commission and ors versus Communist Party of India (Marxist) and ors.***", 2018(18) SCC 141 to argue that even if there is a flaw at the stage of filing of nomination forms itself, still the remedy known to law would be through election petition alone.

9. On similar account, wherein it has been held that no election can be called in question except by way of election petition, reliance has been made upon ***Ashok Kumar versus Sudesh Kumar Aggarwal and others*** in ***Civil Appeal No.7054 of 2001*** passed by the Hon'ble Supreme Court, "***Gurdeep Singh Dhillon versus Satpal and others***", 2006(10) SCC 616.

10. The State counsel has also pressed into case law rendered by various Division Bench of this Court in “*Pankaj Sharma versus State of Punjab and others*”, 2021(3) RCR (Civil) 49, “*Randhir Singh and others versus State Election Commissioner and others*”, 2024(2) RCR (Civil) 698.

**Discussion**

11. Before moving ahead on discussion to decide the preliminary objection, the grounds on which writ petitions have been filed would be essential to have a glance which vary as under:-

(i) In some cases, the candidates have not been allowed to fill up their nomination forms itself at the centre and in one glaring example, a Senior Police official can be seen to have snatched the nomination papers from the petitioner and torn them off.

(ii) The nomination papers have been accepted but the same stands rejected without assigning any reasons in the list published after scrutiny of nomination papers on 05.10.2024.

(iii) In some cases, the nomination papers have been accepted but according to the list published on 05.10.2024 after scrutiny have been neither shown to be eligible or ineligible.

(iv) Wherever reasons have been assigned for rejection of nomination form of petitioners, those reasons are alleged to be false in the light of no dues certificate/no objection certificate issued by the competent authority already stands attached by the candidates but without considering them, the list has been published.

(v) There are instances raised in the petition to demonstrate that in the wards which are reserved for women candidate, the nomination papers of

male candidates stands accepted.

12. It is argued on behalf of the petitioners that the rejection of candidates/petitioners in all these writ petitions has resulted into leaving only one candidate in fray and that to only being attached to the ruling party i.e. Aam Aadmi Party (AAP).

13. In the lead case as an instance, the facts as unfolded would reveal that the candidature of the petitioner stands rejected on the ground that signatures of proposer and seconder are not found on the nomination papers i.e. in CWP No.26439 of 2024. The petitioner has placed on record the objections (Annexures P-5 to P-7) filed against private respondents No.5 to 7, which have not been considered at all and they have been declared eligible for contest despite they are in unauthorized occupation of Shamlat land. In that behalf, a writ petition was filed by husband of the present petitioner bearing CWP No.10393 of 2018 against the company namely M/s Janta Land Promoters, which is owned by Sh. Kulwant Singh, sitting MLA of ruling party challenging the sale of shamlat land situated at the prime location measuring 46 kanals 7 marlas to the aforesaid company. In that writ petition, stay has been granted on such sale vide order dated 27.04.2018 (Annexure P-8) and the same is pending for motion hearing before a Division Bench of this Hon'ble Court for 14.10.2024.

14. It is on this account, the candidature of the petitioner alleged to have been rejected and petitioner argues mala fides, bias and malice with further submission that the private respondents No.5 to 7, who are found to be eligible also are members of the present ruling party. The argument has been further raised that the rejection is also in an arbitrary and

unconstitutional manner whereby the mandate of Section 41(1) of the Act of 1994 has not been adhered to since at the time of scrutiny the petitioner was not called for his presence. Apart from that there is total non-compliance of Rule 11 of the Punjab Panchayat Election Rules, 1994 (hereinafter referred to as 'Rules of 1994' in short). Both the aforesaid relevant provisions need to be looked into which read as under:-

*“41. Scrutiny of nominations.-- (1) On the date fixed for the scrutiny of nominations under section 35, the candidates, their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 38.*

*(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject the nomination on any of the following grounds, namely:--*

*(a) that on the date fixed for the scrutiny of nominations, the candidate either is not qualified or is disqualified for being chosen to fill the seat under this Act; or*

*(b) that there has been a failure to comply with any of the provisions of section 38 or section 39.*

*(3) Nothing contained in clause (b) of sub-section (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the*

*candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.*

*(4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.*

*(5) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.*

*(6) For the purposes of this section, a certified copy of an entry in the electoral roll for the time being in force of the constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification specified under this Act.*

*(7) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it to the notice board of his office.”*

**11. Scrutiny of nomination papers and decision of objections** (Section 41).-- *(1) The Returning Officer shall examine the nomination papers at the time appointed in this behalf, hear objections, if any, presented by the objectors in person, as to the eligibility of any candidate and determine these objections after such enquiry as he may consider necessary. The decision rejecting or accepting a nomination paper and brief statement of reasons thereof shall be endorsed on the nomination paper and signed by the Returning Officer:*

*Provided that the Returning Officer may,-*

*(a) permit any clerical error in the nomination paper in regard to names or numbers to be corrected in order to bring them in conformity with the corresponding entries in the electoral rolls; and*

*(b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked*

*(2) The person objecting under sub-rule (1) must be a candidate of the concerned Panchayat or Sabha Area, as the case may be.*

15. This Court also has the occasion after having issued notice of motion vide order dated 08.10.2024 whereby original record of the petitioner was called for. In pursuance thereof, an affidavit of Sh. S.S. Bhullar, Returning Officer, Cluster No.12, Block Mohali, District SAS Nagar, has been filed on behalf of respondent No.4. The same is taken on record. Along with the said reply at internal page No.9 & 10, the photocopy of nomination paper of the petitioner has been attached to show that the signatures of proposer and seconder are not there in the first page of the nomination form i.e. Form No.4 for the post of Sarpanch.

16. Since, it was disputed by the petitioner that the said ground of rejection is incorrect. The original file produced by the learned State counsel along with Sh. S.S. Bhullar, Returning Officer and the same has been perused, wherein except on page No.1 on all other papers including the last part, the signatures of proposer and seconder are very much available. In addition thereof, the cheque list signed by the petitioner and duly received by the Returning Officer also bears the signatures of proposer Sh. Kamaljit Singh at Serial No.8 and seconder Sh. Gurjant Singh at Serial No.7 as well as of the petitioner. The said check list has been received by the Returning Officer after having affixed signatures of his own.

17. Solely for the purpose of adding another instance to the discussion of this Court, CWP No.26440 of 2024 titled as *Rajdeep Kaur and ors. versus State of Punjab and ors.*, can also be looked at wherein the petitioner no.1 filed a nomination for the post of Panch in Ward No.3 village Papri and accordingly petitioner No.2 for ward No.5 and petitioner No.3 in ward No.1. In that petition as well, private respondents No.5 to 7 are allegedly members of Aam Aadmi Party (AAP) which is the ruling party in the state and the objections submitted by the petitioners as well as other villagers (Annexures P-5 to P-7) have not been considered while declaring these private respondents to be eligible. In that case as well, the Returning Officer has ignored the objections qua registration of an FIR No.184, dated 07.08.2018, Police Station Sohana, District Mohali, which has been lodged by the BDPO, SAS Nagar, Mohali against father of respondent No.5 having unauthorized occupation of Shamlat land. In that case, the list of eligible candidates was displayed at 10:30 p.m. on 05.10.2024 which is on record at Annexure P-4. Subsequently, on 07.10.2024, respondent No.6 withdrew his nomination papers and other candidates namely Lakhwinder Singh at Serial No.6, Balwinder Singh at Serial No.8 and Suman at Serial No.11 from the list of eligible candidates (Annexure P-4) also withdrew leaving only one candidate in Ward No.5 who has been declared unopposed.

18. Reply dated 09.10.2024 has been filed by way of an affidavit of respondent No.3-Aashika Jain, District Election Officer-cum-Deputy Commissioner, District SAS Nagar, which is taken on record.

19. In this case, the nomination of petitioner No.3 has been rejected on the ground that seconder of petitioner No.3 namely Happy has submitted



a letter along with an affidavit that he never signed as seconder in favour of petitioner No.3-Mandeep Singh. The check list produced in original in this case, would clearly depict signatures of Happy as seconder in presence of the Returning Officer who has signed on that list at the bottom endorsing the receipt of check list. The alleged affidavit submitted by Happy was examined by this Court after summoning the notary public namely Avinash Kumar Sharma from District Judicial Complex, SAS Nagar, Mohali along with his original register maintained with the particulars of deponents whose documents he has notarized on 05.10.2024. A photocopy of that register has been taken on record, which is self attested by Mr. Avinash Kumar Sharma, Notary Public. A perusal of original register clearly depict that it does not get mention the name of seconder Happy entered therein and the notary public also admitted the fact that though he has signed the said affidavit and notarized but did not make any entry in the register. He could not put forth before this Court any reason for not making any entry either on 05.10.2024 or thereafter on any of the dates till 09.10.2024. His statement has been recorded which is fixed on the case file as document A for records. The petitioners had also produced the photographs from the CCTV footage showing Happy and Mandeep Singh together on an Activa Scooter on 03.10.2024 and entering the house of Gurjeet Singh for signing the nomination paper as proposer and seconder but it is alleged that the petitioner is not at all aware of any such letter or affidavit submitted on behalf of Happy to the Returning Officer. Rejection of nomination paper of petitioner No.3 relying upon this letter and affidavit executed by Happy ought to have been put across to petitioner No.3 by the Returning Officer at

the time of scrutiny of nomination papers on 05.10.2024 but admittedly this procedure as enshrined vide Section 41(1) of the Act of 1994 and Rule 11 of the Rules of 1994 has not been followed at all.

20. Having perused the reply with the assistance of learned State counsel, the only reason assigned for rejection is stated in para 5 of the said reply with the following remarks reproduced therein *“The sign of both, proposer and seconder, are not found on nomination form which shows that the said nomination form is not propose and second by anyone”*.

21. The intent of legislation under Section 41 and Rule 11 of the Act and Rules of 1994 respectively, is that a candidature should not be rejected without affording an opportunity of hearing and even an opportunity to make correction in an error shall be provided at the time of scrutiny. A candidate is required to be given a notice of the time and place at which his nomination paper is to be scrutinized.

22. When this Court questioned the learned State counsel as to whether such opportunity was provided to the petitioners in all the petitions being heard together, there was no satisfactory reply and the Returning Officer present in Court has rather fumbled to say firstly that notice was given to them but on asking to show the said notice, same could not be produced from the original file and having failed to produce the said notice of intimation qua time and place of scrutiny, he made a valiant attempt submitting that the Returning Officer himself informed the petitioners per mobile phone. It is an admitted fact from the original record once countered by this Court that there is no endorsement or signatures qua presence of the petitioners on the file.

23. Further Section 41(2) envisage the rejection of nomination paper on any of the following grounds:-

*(a) that on the date fixed for the scrutiny of nominations, the candidate either is not qualified or is disqualified for being chosen to fill the seat under this Act; or*

*(b) that there has been a failure to comply with any of the provisions of section 38 or section 39.*

24. At this stage, Sections 38 and 39 would be of much importance to be read over, which is as under:-

***38. Presentation of nomination paper and requirements for a valid nomination.*** *Every candidate shall, either the date appointed under clause (a) or the date specified in section 35, each candidate in the form prescribed by the Returning Officer, be delivered to the Returning Officer on or before the date specified in the notice issued under section 36, and by a paper completed in the prescribed form and signed by the candidate or by an elector of the constituency as proposer: Provided that no nomination paper shall be delivered to the Returning Officer on a day which is a public holiday.*

*(2) In a constituency where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste of which he is a member and the area in relation to which that caste is a Schedule Caste of the State.*

*(3) Where the candidate is a person who, having, held any office referred to in clause (i) of section 11 has been dismissed and a period of four years has not elapsed since the dismissal, such person shall not be deemed to*

*be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued in the prescribed manner by the Election Commission to the effect that he has not been dismissed for corruption or disloyalty to the State.*

*(4) On the presentation of nomination paper, the Returning Officer shall satisfy himself that the names and electoral roll numbers of the candidates and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls:*

*Provided that no misnomer or inaccurate description or clerical or technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the electoral roll or the nomination paper and no clerical or technical or printing error in regard to the electoral rolls numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood; and the Returning Officer shall permit any such misnomer or inaccurate description or clerical or technical or printing error to be corrected and where necessary direct that any such misnomer, inaccurate description, clerical or technical or printing error in the electoral roll or in the nomination paper shall be overlooked.*

*(5) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper:*

*Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or*

*accepted by the Returning Officer for election in the same constituency.*

**39. Deposits.--** (1) *A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited a prescribed amount for an election to a Panchayat or a Municipality:*

*Provided that where a candidate has been nominated by more than one nomination papers for election in the same constituency, not more than one deposit shall be required by him under this sub-section.*

(2) *Any sum required to be deposited under sub-section (1), shall not be deemed to have been deposited under that sub-section unless at the time of delivery of the nomination paper under sub-section (1) of section 38, the candidate has either deposited or caused to be deposited that sum with the Returning Officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in a Government Treasury.*

25. A perusal of the aforesaid statutory provisions prima facie would make it evident that the grounds on which nomination papers of the petitioners has been rejected does not exist either under Section 38 or Section 39.

26. In addition to the aforesaid facts, in most of the cases where forced or manipulated withdrawal of the candidature has been alleged, the sole remaining candidate has been declared as winner as is evident from the photographs produced by petitioners either being garlanded by the present Chief Minister or are standing in the company of MLAs of ruling party. One such instance is available in CWP-26510-2024 titled as “**Malkeet Singh and ors versus State of Punjab and ors.**”, CWP-26542-2024 titled as “**Sunita**

***Rani and ors. versus State of Punjab and ors.***” Gram Panchayat Chak, Sohana Sandar, Tehsil Jalalabad wherein Mahinder Singh, husband of declared Sarpanch elected unanimously named Chinder Kaur can be seen celebrating with sitting MLA from Jalalabad (W). In another CWP No.26532 of 2024 titled as “***Gagandeep Singh Khosa and ors. versus State of Punjab and ors.***”, have also placed reliance of a photograph of the returned candidate having shown won unopposed is celebrating with S. Shaminder Singh Khinda who is State Secretary and Spokesperson of ruling party apart from being Chairman of Punjab Agro Industries Corporation Limited wearing currency notes garland.

27. Similar are the circumstances prevailing in CWP No.26610 of 2024 and CWP No.26587 of 2024.

28. Herein also there is blatant abuse on the part of State machinery which is writ large as even in the case of no other candidate in fray except one, still he cannot be declared unopposed prior to the date of polling for which a formal result has to be declared after giving time for voting to the voters as scheduled in the election programme i.e. the voting day 15.10.2024. This is necessitated in the light of option for NOTA to be provided on the ballot papers as displayed on EVMs which came into effect from 11.10.2013 with a notification issued by the Government of India in pursuance to the order passed by Hon'ble Apex Court on 27.09.2013 in Writ Petition(Civil) No.161 of 2004 titled as “***People's Union for Civil Liberties and Anr. versus Union of India and Anr***”.

29. In this backdrop it is also the assertion made on behalf of the petitioner that NOTA is also a candidate who is contesting the ensuing

elections of Gram Panchayat in the State of Punjab and therefore, it is absolutely unconstitutional, arbitrary and illegal to declare certain candidates as unopposed but such practice is at rampant in the present Panchayat elections, wherein none of the procedure as laid down by law is being followed.

30. Even the rejection of nomination papers on the ground of not submitting no dues certificate and no objection certificate issued from the concerned authority is argued to be bad while relying upon a direction issued by the State Election Commission, Punjab dated 26.09.2024 bearing Memo No.SEC-PE-SA-2024/4960, which clarifies that if the candidate is unable to obtain such certificate, despite his/her efforts, then he/she can file an affidavit stating clearly that he/she is not in arrears of any tax or other dues of the concerned authorities and is also not in an unauthorized occupation of the property belonging to any local authority in terms of Section 11 of Act of 1994. It further clarifies that the Returning Officer shall accept such nomination papers and forward the affidavit to the concerned authority with a direction to send a report within but not later than 24 hours, failing which, it shall be presumed that he/she is not a defaulter or unauthorized occupant in terms of Act of 1994.

31. Now, coming back to the preliminary objection qua maintainability of the present writ petitions, the power of judicial review is to be borne in mind which is a basic structure of constitution and a concept that is no longer in issue. No doubt the term Election as articulated in Article 329 of the Constitution of India as well mean and include the entire process from the stage of issuance of notification but it cannot be lost sight that High

Courts are superior Courts having original and appellate jurisdiction with inherent and supplementary powers. The bar to interfere by the Courts in election matters in writ jurisdiction would not cover the original, inherent and discretionary jurisdiction which is unlimited with the High Courts including the jurisdiction to determine its own powers.

32. This very question on the maintainability of a writ petitions under Article 226 of the Constitution of India already stands tested by a larger Bench of the Hon'ble Supreme Court of India in Election Commission of India through secretary versus Ashok Kumar and ors. The Hon'ble Apex Court considered two earlier constitutional Bench i.e. “***N.P. Ponnuswami versus The Returning Officer, Namakkal Constituency***”, AIR 1952 Supreme Court 64 and “***Mohinder Singh Gill versus The Chief Election Commissioner, New Delhi***”, AIR 1978 Supreme Court 851.

33. The Hon'ble Apex Court has observed therein from para 18 onwards upto para 32, which are pertinent to be reproduced herein:

*18. Is there any conflict between the jurisdiction conferred on the High Courts by Article 226 of the Constitution and the embargoes created by Article 329 and if so how would they co-exist came up for the consideration of a Constitution Bench of this Court in N.P. Ponnuswami v. The Returning Officer, Namakkal Constituency, AIR 1952 Supreme Court 64. The law enunciated in Ponnuswami was extensively dealt with, also amplified, by another Constitution Bench in Mohinder Singh Gill v. The Chief Election Commissioner, New Delhi, AIR 1978 Supreme Court 851. The plenary power of Article 329 has been stated by the Constitution Bench to be founded on two principles : (1) The peremptory urgency of prompt engineering of the whole*



*election process without intermediate interruptions by way of legal proceedings challenging the steps and stages in between the commencement and the conclusion;*  
*(2) The provision of special jurisdiction which can be invoked by an aggrieved party at the end of the election excludes other form, the right and remedy being creatures of statutes and controlled by the Constitution. On these principles the conclusions arrived at in Ponnuswami's case were so stated in Mohinder Singh Gill's case :-*

*"(1) Having regard to the important functions which the Legislatures have to perform in democratic countries, it has always been recognised to be a matter of first importance that elections should be concluded as early as possible according to time schedule and all controversial matters and all disputes arising out of elections should be postponed till after the elections are over, so that the election proceedings may not be unduly retarded or protracted.*

*(2) in conformity with this principle, the scheme of the election law in this country as well as in England is that no significance should be attached to anything which does not affect the "election"; and if any irregularities are committed while it is in progress and they belong to the category or class which under the law by which elections are governed, would have the effect of vitiating the "election" and enable the person affected to call it in question, they should be brought up before a special tribunal by means of an election petition and not be made the subject of a dispute before any Court while the election is in progress."*

*19. However, the Constitution Bench in Mohinder Singh Gil's case could not resist commenting on Ponnuswami's case by observing (vide para 25) that the non obstante*

*clause in Article 329 pushes out Article 226 where the dispute takes the form of calling in question an election, except in special situations pointed out at, but left unexplored in Ponnuswami.*

*20. Vide para 29 in Mohinder Singh Gill's case, the Constitution Bench noticed two types of decisions and two types of challenges : The first relating to proceedings which interfere with the progress of the election and the second which accelerate the completion of the election and acts in furtherance of an election. A reading of Mohinder Singh Gill's case points out that there may be a few controversies which may not attract the wrath of Article 329(b). To wit: (i) power vested in a functionary like the Election Commission is a trust and in view of the same having been vested in high functionary can be expected to be discharged reasonably, with objectivity and independence and in accordance with law. The possibility, however, cannot be ruled out where the repository of power may act in breach of law or arbitrarily or mala fide. (ii) A dispute raised may not amount to calling in question an election if it subserves the progress of the election and facilitates the completion of the election. The Election Commission may pass an order which far from accomplishing and completing the process of election may thwart the course of the election and such a step may be wholly unwarranted by the Constitution and wholly unsustainable under the law. In Mohinder Singh Gill's case, this Court gives an example (vide para 34). Say after the President notifies the nation on the holding of elections under Section 15 and the Commissioner publishes the calendar for the poll under Section 30 if the latter orders Returning Officers to accept only one nomination or only those which come from one party as distinguished from other parties or*

*independents, which order would have the effect of preventing an election and not promoting it, the Court's intervention in such a case will facilitate the flow and not stop the election stream.*

*21. A third category is not far to visualise. Under Section 81 of the Representation of The People Act, 1951 an election petition cannot be filed before the date of election, i.e., the date on which the returned candidate is declared elected. During the process of election something may have happened which would provide a good ground for the election being set aside. Purity of election process has to be preserved. One of the means for achieving this end is to deprive a returned candidate of the success secured by him by resorting to means and methods falling foul of the law of elections. But by the time the election petition may be filed and judicial assistance secured material evidence may be lost. Before the result of the election is declared assistance of Court may be urgently and immediately needed to preserve the evidence without in any manner intermeddling with or thwarting the progress of election. So also there may be cases where the relief sought for may not interfere or intermeddle with the process of the election but the jurisdiction of the Court is sought to be invoked for correcting the process of election taking care of such aberrations as can be taken care of only at that moment failing which the flowing stream of election process may either stop or break its bounds and spill over. The relief sought for is to let the election process proceed in conformity with law and the facts and circumstances be such that the wrong done shall not be undone after the result of the election has been announced subject to overriding consideration that the Court's intervention shall not interrupt, delay or postpone the ongoing*

*election proceedings. The facts of the case at hand provide one such illustration with which the Bar. we shall deal with a little later. We proceed to refer a few other decided cases of this Court cited at*

*22. In Lakshmi Charan Sen v. A.K.M. Hassan Uzzaman, AIR 1985 Supreme Court 1233, writ petitions under Article 226 of the Constitution were filed before the High Court asking for the writs not granted by the High Court that the writs issued by the Election Commission should be mandamus and certiorari, directing that the instructions issued by the Election Commission should be set aside; that claims, objections and others, that the revision of electoral rolls be disposed of in accordance with provisions and appeals in regard to the electoral roll be heard under 15(2) of the Representation of The People Act, 1951 calling for election to the West Bengal Legislative Assembly, until the rolls were duly revised. The High Court entertained the petitions and gave interim orders. The writ petitioners had also laid challenge to validity of several provisions of Acts and Rules, which challenge was given up before the Supreme Court. The Constitution Bench held though the High Court was justified in entertaining the writ petition and issuing a rule therein since, the writ petition apparently contained a challenge to several provisions of Election Laws, it was not justified in passing any order which would have the effect of postponing the elections which were then imminent. Even assuming, therefore, that the preparation and publication of electoral rolls are not a part of the process of 'election' within the meaning of Article 329(b), we must reiterate our view that the High Court ought not to have passed the impugned interim orders, whereby it not only assumed control over the election process but, as a result of which, the election to*

*the Legislative Assembly stood the risk of being postponed indefinitely'.*

*23. In Election Commission of India v. State of Haryana, AIR 1984 Supreme Court 1406, the Election Commission fixed the date of election and proposed to issue the requisite Notification. The Government of Haryana filed a writ petition in the High Court and secured an ex parte order staying the issuance and publication of the Notification by the Election Commission of India under Sections 30, 56 and 150 of the Representation of The People Act, 1951. This Court deprecated such ex parte orders. During the course of its judgment (vide para 8) the majority speaking through the Chief Justice observed that it was not suggested that the Election Commission could exercise its discretion in an arbitrary or mala fide manner; arbitrariness and mala fide destroy the validity and efficacy of all orders passed by public authorities. The minority view was recorded by M.P. Thakkar, J. quoting the following extract from A.K.M. Hassan Uzzaman, (1982)2 SCC 218 :- "The imminence of the electoral process is a factor which must guide and govern the passing of orders in the exercise of the High Court's writ jurisdiction. The more imminent such process, the greater ought to be the reluctance of the High Court to do anything, or direct anything to be done, which will postpone that process indefinitely by creating a situation in which, the Government of a State cannot be carried on in accordance with the provisions of the Constitution."and held that even according to Hassan's case the Court has the power to issue an interim order which has the effect of postponing an election but it must be exercised sparingly (with reluctance) particularly when the result of the order would be to postpone the installation of a democratic elected popular Government.*

24. *In Digvijay Mote v. Union of India, (1993)4 SCC 175, this Court has held that the powers conferred on the Election Commission are not unbridled; judicial review will be permissible over the statutory body, i.e., the Election Commission exercising its functions affecting public law rights though the review will depend upon the facts and circumstances of each case; the power conferred on the Election Commission by Article 324 has to be exercised not mindlessly nor mala fide nor arbitrarily nor with partiality but in keeping with the guidelines of the rule of law and not stultifying the Presidential Notification nor existing legislation.*

25. *Anugrah Narain Singh v. State of U.P., (1996)6 SCC 303, is a case relating to Municipal elections in the State of Uttar Pradesh. Barely one week before the voting was scheduled to commence, in the writ petitions complaining of defects in the electoral rolls and de-limitation of constituencies and arbitrary reservation of constituencies for scheduled castes, scheduled tribes and backward classes the High Court passed interim order stopping the election process. This Court quashed such interim orders and observed that if the election is imminent of well under way, the Court should not intervene to stop the election process. If this is allowed to be done, no election will ever take place because someone or the other will always find some excuse to move the Court and stall the elections. The importance of holding elections at regular intervals cannot be over-emphasised. If holding of elections is allowed to stall on the complaint of a few individuals, then grave injustice will be done to crores of other voters who have a right to elect their representatives to the democratic bodies.*

26. *In C. Subrahmanyam v. K. Ramanjaneyullu, (1998)8 SCC 703, this Court has held that noncompliance of a*

*provision of the Act governing the elections being a ground for an election petition, the writ petition under Article 226 of the Constitution of India should not have been entertained*

*27. In Mohinder Singh Gill's case (supra) the Election Commission had cancelled a poll and directed n a re-polling. The Constitution Bench held that a writ petition challenging the cancellation coupled with repoll amounted to calling in question a step in "election" and, is, therefore barred by Article 329(b). However, vide para 32, it has been observed that had it been a case of mere cancellation without an order for repoll, the course of election would have been thwarted (by the Election Commission itself) and different considerations would have come into play.*

*28. Election disputes are not just private civil disputes between two parties. Though there is an individual or a few individuals arrayed as parties before the Court but the stakes of the constituency as a whole are on trial. Whichever way the lis terminates it affects the fate of the constituency and the citizens generally. A conscientious approach with overriding consideration for welfare of the constituency and strengthening the democracy is called for. Neither turning a blind eye to the controversies which have arisen nor assuming a role of over-enthusiastic activist would do. The two extremes have to be avoided in dealing with election disputes.*

*29. Section 100 of the Representation of The People Act, 1951 needs to be read with Article 329(b), the former being a product of the later. The sweep of Section 100 spelling out the legislative intent would assist us in determining the span of Article 329(b) though the fact remains that any legislative enactment cannot curtail or override the operation of a provision contained in the*

*Constitution. Section 100 is the only provision within the scope of which an attack on the validity of the election must fall so as to be a ground available for avoiding an election and depriving the successful candidate of his victory at the polls. The Constitution Bench in Mohinder Singh Gill's case (vide para 33) asks us to read Section 100 widely as "covering the whole basket of grievances of the candidates". Sub-clause (iv) of clause (d) of sub-section (1) of Section 100 is a "residual catch-all clause". Whenever there has been non-compliance with the provisions of the Constitution or of the Representation of the People Act, 1951 or of any rules or orders made thereunder if not specifically covered by any other preceding clause or sub-clause of the Section it shall be covered by sub-clause (iv). The result of the election insofar as it concerns a returned candidate shall be set aside for any such non-compliance as abovesaid subject to such non-compliance also satisfying the requirement of the result of the election having been shown to have been materially affected insofar as a returned candidate is concerned. The conclusions which inevitably follow are : in the field of election jurisprudence, ignore such things as do not materially affect the result of the election unless the law has been breached requirement of satisfying the test of material effect has been dispensed with by the law; even if the and such breach satisfies the test of material effect on the result of the election of the returned candidate yet postpone the adjudication of such dispute till the election proceedings are over so as to achieve, in larger public interest, the goal of constituting a democratic body without interruption or delay on account of any controversy confined to an individual or group of individuals or single constituency having arisen and demanding judicial determination.*



30. *To what extent Article 329(b) has an overriding effect on Article 226 of the Constitution. The two Constitution Benches have held that Representation of the People Act, 1951 provides for only one remedy; that remedy being by an election petition to be presented after the election is over and there is no remedy provided at any intermediate stage. The non obstante clause with which Article 329 opens pushes out Article 226 where the dispute takes the form of calling in question an election (see para 25 of Mohinder Singh Gill's case (supra). The provisions of the Constitution and the Act read together do not totally exclude the right of a citizen to approach the Court so as to have the wrong done remedied by invoking the judicial forum; nevertheless the lesson is that the election rights and remedies are statutory, ignore the trifles even if there are irregularities or illegalities, and knock the doors of the Courts when the election proceedings in question are over. Two-pronged attack on anything done during the election proceedings is to be avoided - one during the course of the proceedings and the other at its termination, for such two-pronged attack, if allowed, would unduly protract or obstruct the functioning of democracy.*

31. *The founding fathers of the Constitution have consciously employed use of the words 'no election shall be called in question' in the body of Section 329(b) and these words provide the determinative test for attracting applicability of Article 329(b). If the petition presented to the Court 'calls in question an election' the bar of Article 329(b) is attracted. Else it is not.*

32. *For convenience sake we would now generally sum up our conclusions by partly restating what the two Constitution Benches have already said and then adding by clarifying what follows therefrom in view of the*

*analysis made by us hereinabove :-*

*1) If an election, (the term 'election' being widely interpreted so as to include all steps and entire proceedings commencing from the date of notification of election till the date of declaration of result) is to be called in question and which questioning may have the effect of interrupting, obstructing or protracting the election proceedings in any manner, the invoking of judicial remedy has to be postponed till after the completing of proceedings in elections.*

*2) Any decision sought and rendered will not amount to "calling in question an election" if it subserves the progress of the election and facilitates the completion of the election. Anything done towards completing or in furtherance of the election proceedings cannot be described as questioning the election.*

*3) Subject to the above, the action taken or orders issued by Election Commission are open to judicial review on the well-settled parameters which enable judicial review of decisions of statutory bodies such as on a case of mala fide or arbitrary exercise of power being made out or the statutory body being shown to have acted in breach of law.*

*4) Without interrupting, obstructing or delaying the progress of the election proceedings, judicial intervention is available if assistance of the Court has been sought for merely to correct or smoothen the progress of the election proceedings, to remove the obstacles therein, or to preserve a vital piece of evidence if the same would be lost or destroyed or rendered irretrievable by the time the results are declared and stage is set for invoking the jurisdiction of the Court.*

*5) The Court must be very circumspect and act with caution while entertaining any election dispute though*

*not hit by the bar of Article 329(b) but brought to it during the pendency of election proceedings. The Court must guard against any attempt at retarding, interrupting, protracting or stalling of the election proceedings. Care has to be taken to see that there is no attempt to utilise the Court's indulgence by filing a petition outwardly innocuous but essentially a subterfuge or pretext for achieving an ulterior or hidden end. Needless to say that in the very nature of the things the Court would act with reluctance and shall not act except on a clear and strong case for its intervention having been made out by raising the pleas with particulars and precision and supporting the same by necessary material.”*

**Analysis**

34. In the instant case, the mala fide and arbitrary exercise of power by the statutory body prima facie are evident at the stage of filing of nomination papers and scrutiny of the same whereas elections are yet to be held on 15.10.2024. such observations are based on the nature of allegations coming forth as discussed hereinabove, wherein either nomination papers have not been accepted and torn by the Government officials working at the whims and fancies of the governing party in the State, in most of the cases, the allegations are that nomination papers of certain candidates have been lost after these were accepted by the Returning Officer and were not available for scrutiny and therefore, their names do not figure in the list of eligible candidates and ineligible candidates, the scrutiny of nomination papers has been concluded on one single day i.e. on 05.10.2024, wherein large number of candidates have filled in the nomination forms but the procedure stipulated vide Section 41 of the Act of 1984 and Rule 11 of Rules

of 1994 has not been followed at all inasmuch as neither any opportunity of hearing has been provided nor any inquiry has been got conducted if there was any doubt on the information furnished by any of the candidates/petitioners, no opportunity for making good of any clerical error/minor discrepancies has been given which are not even the grounds of disqualification under Sections 38 and 39 of the Act of 1994, in most of the instances, the rejection is without reasons and wherever reasons are given they are not covered under Sections 38 and 39 of the Act of 1994. Moreover, there are various other occasions whereby despite having NDC/NOC issued by the competent authorities and attached with the nomination papers, the nomination papers have been rejected on those very grounds ignoring the said NDC/NOC that too without conducting an inquiry and an opportunity of hearing to the petitioners. The list was published on the same day qua eligible candidates without including the names of ineligible what to talk of any reason for rejection, acceptance of nomination papers from the male candidates against the seats which are reserved for woman candidates only, declaring large number of candidates as unanimously elected without even waiting for the last date of withdrawal and polling as is evident from certain photographs wherein such candidates can be seen celebrating their victory with the MLAs and various other leaders of the ruling party which is unconstitutional and abuse of process of law prima facie as can be made out by this Court particularly in the light of fact that voting opportunity has to be provided to the voters with the option to cast vote either for the left out candidate in the contest or for NOTA.

35. The right to vote though is neither a fundamental right nor a

constitutional right but a statutory right which cannot be taken away even in favour of NOTA.

36. Ours is a democratic country which is all about having choice with free will and such choice can only be expressed by using this statutory right to vote. Action of the State of Punjab has not only imposed restrictions on such right of the voters and electorals but is also an attempt to destroy the basic structure of our constitution i.e. free and fair election as its essence which necessarily has within its ambit the right of an elector to use it without fear of duress or coercion. The declaration of certain candidates as unopposed without going to the date of polling takes away voters right i.e. not to vote for any candidate which has been considered extremely important in democracy by the Hon'ble Apex Court in People's Union for Civil Liberties's case (supra), wherein such malpractice is prima facie apparent on the record interference by the High Court exercising its powers under Article 226 of the Constitution would not mean by any stretch to say that it is "calling in question an election".

37. Such decisions taken by the Returning Officer acting under the State Election Commission are open to judicial review on the well settled parameters wherein it smells of mala fide or arbitrary exercise of powers.

**Finding on preliminary objection**

38. Hence, having given a considerable thought in the light of discussions made hereinabove on the issues involved in the light of allegations raised at the behest of rejected candidates, these petitions are fit for scrutiny of judicial review and hence, we hold that the writ petitions are maintainable in the form as such filed under Article 226/227 of the

39. Notice of motion in all those writ petitions wherein it has not been issued earlier for 16.10.2024.

**Interim relief**

40. The grievance raised on behalf of the petitioners having culled out in its entirety keeping in view the nature and importance of the larger issue, we are of the considered view that elections at the local participatory level act as a microcosm in the democratic structure is to be ensured as a free and fair electoral process. It is imperative to maintain the legitimacy of and trust in representative democracy which warrants for issuance of an interim order and, therefore, further process in the election in question before this court confined to the present bunch of writ petitions is hereby stayed till the next date of hearing.

41. In the meantime, the State who has sought time to file written statements, in all the matters separately may do so.

42. To come up for 16.10.2024 for further consideration.

43. A photocopy of this order be placed on the files of other connected cases.

**(SANDEEP MOUDGIL)**  
**JUDGE**

**09.10.2024**  
*Poonam Negi*

**(DEEPAK GUPTA)**  
**JUDGE**