

ITEM NO.42

COURT NO.1

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO.25527/2024

[Arising out of impugned final judgment and order dated 14.10.2024 passed by the Division Bench of the High Court of Punjab and Haryana at Chandigarh dismissing Civil Writ Petition No.26542/2024]

SUNITA RANI & ORS.

PETITIONER(S)

VERSUS

STATE OF PUNJAB & ORS.

RESPONDENT(S)

(IA No. 239527/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 239531/2024 - EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 25243/2024 (IV-B)

(IA No. 243808/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 243809/2024 - EXEMPTION FROM FILING O.T.)

Date : 18-11-2024 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Arjun Garg, Adv.
Mr. Aakash Nandolia, AOR

Mr. Ajit Pravin Wagh, AOR
Mr. Yogesh K Ahirrao, Adv.

For Respondent(s) Mr. Rahul Mehra, Sr. Adv.
Mr. Gurminder Singh, AG, Punjab
Mr. Vivek Jain, DAG, Punjab
Mr. Maninderjit Bedi, AAG, Punjab
Mr. Karan Sharma, AOR
Mr. Abhishek Budhiraja, Adv.
Mr. Harshit Kumar, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

Our attention is drawn to the order dated 11.11.2024 passed in

SLP (Civil) No.25920/2024, titled 'Jasveer Singh vs. The Punjab State Election Commission & Ors.'. The order reads as under:

- 1. Heard learned counsel for the petitioner at a considerable length, who during the course of hearing fairly admitted that the elections have been held in the interim and the elected Sarpanch has taken over the charge.*
- 2. That being so, no effective relief can be granted in these proceedings. It goes without saying that the petitioner or similarly placed candidates will be at liberty to avail the remedy of filing election petition.*
- 3. Keeping in view the fact that the election of a Sarpanch is for a fixed tenure, we direct the Election Tribunal to make an endeavour to decide the election petition within six months from the date of filing, subject to the cooperation extended by the parties.*
- 4. The special leave petition is, accordingly, dismissed.*
- 5. All pending applications, if any, also stand disposed of."*

In view of the said order and to maintain consistency, we are not inclined to proceed further in the present special leave petitions and we, accordingly, permit the petitioners herein to file election petitions. The direction given in the above order that the Election Tribunal shall endeavour to decide the election petition within six months from the date of filing, subject to the cooperation extended by the parties, will equally apply. In case the proceedings are delayed, the petitioners or the parties can approach the High Court for appropriate orders

and directions to the Election Tribunals.

During the course of hearing, it is pointed out that, in some cases, the petitioners were allegedly not allowed to file the nomination papers or their nomination papers were torn/rejected. They apprehend that the election petition may not be entertained as per rules. If that be so, it is open to the said petitioners to move an application for review before the High Court within a period of one month from today. In case any such application is filed, the same will not be dismissed on the ground of limitation. The review application will be considered and decided as per law. The petitioners may approach this Court thereafter, if warranted.

Recording the aforesaid, the special leave petitions are disposed of. Pending application(s), if any, shall also stand disposed of.

(GEETA AHUJA)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR