



CWP-36556-2025

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

CWP-36556-2025**Date of decision: 05.12.2025**

GURSEWAK SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

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

Present: Mr. Arun K. Kaundal, Advocate (Arguing counsel) with
Mr. Randeep Singh Bains, Advocate
for the petitioner.

Mr. Maninder Singh, Sr. Advocate assisted by
Mr. Sangam Garg, Advocate
for the State of Punjab.

SHEEL NAGU, C.J. (Oral)

1. The present writ petition has been filed by petitioner being a candidate for the election of Zila Parishad and Panchayat Samiti in the State of Punjab assailing Annexure P-4 vide which the concerned Halka Patwari has declined to verify the NOC sought by the petitioner for the purpose of filing nomination in the aforesaid elections.

2. The election programme of the said elections has been declared on 01.12.2025 and the process of election has commenced.

3. Learned counsel for the petitioner has pointed out to Section 11 of the Punjab State Election Commission Act, 1994, which is reproduced in para 6 of the petition, stating that because of the wrongful action of the Patwari declining to verify the NOC, the petitioner, who otherwise is qualified to contest the elections, will be deprived of his right to contest.



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4. After having heard the learned counsel for the rival parties, this Court is of the considered view that no assistance can be granted to the petitioner at this stage, especially in the backdrop of the constitutional bar contained in Article 243-O of the Constitution of India, which is reproduced below for ready reference and convenience, and also the fact that the petitioner can very well, after the election results are declared, challenge the said election on the ground of wrongful rejection of nomination paper by filing an election petition:-

“243-O Bar to interference by courts in electoral matters.—

Notwithstanding anything in this Constitution,—

- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 243K, shall not be called in question in any court;
- (b) no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.”

5. In view of the above and there being no exceptionally hard case made out by the petitioner where the election can be termed as a farce, this Court declines interference and dismisses this petition.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

05.12.2025

mohit goyal

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