

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

CWP No. 13632 of 2013

DATE OF DECISION : 28.06.2013

Mohinder Kaur and others

.... PETITIONERS

Versus

State Election Commission and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Madan Sandhu, Advocate,
for the petitioners.

* * *

SATISH KUMAR MITTAL, J. (Oral)

The petitioners, who are residents of village Gill Kalan, Tehsil Phul, District Bathinda, have filed the instant petition under Articles 226/227 of the Constitution of India for issuing direction to the respondents to accept the nomination papers of the petitioners.

It is the case of the petitioners that their nomination papers have been wrongly rejected by the Returning Officer.

After hearing learned counsel for the petitioners, we are not inclined to entertain this petition, as the election process has already started. The elections are scheduled to be held on July 03, 2013. The petitioners have an effective alternative remedy to challenge the election of the successful candidate on the aforesaid ground. Thus, in view of these facts

and the law laid down by the Hon'ble Supreme Court in *N.P. Ponnuswami versus Returning Officer, Namakkal Constituency and others*, AIR 1952 SC 64; *Boddula Krishnaiah and another versus State Election Commissioner, A.P. and others*, (1996) 3 Supreme Court Cases 416; and *Election Commission of India versus Ashok Kumar and others*, (2000) 8 Supreme Court Cases 216, at this stage, this petition cannot be entertained.

Dismissed with liberty to the petitioner to avail the alternative remedy of filing the election petition challenging the election of the successful candidate on the aforesaid ground.

(SATISH KUMAR MITTAL)
JUDGE

June 28, 2013
ndj

(RAJIV NARAIN RAINA)
JUDGE