

2025-PHHC:032161-DB



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

CWP-5992-2025 (O&M)

Date of decision: 04.03.2025

SUKHJIT KAUR

.....Petitioner

Versus

STATE OF PUNJAB & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Rahul Vijay Singh Chugh, Advocate,
for the petitioner.

SUDHIR SINGH, J.

The petitioner has sought a writ in the nature of Certiorari quashing the impugned order dated 10.02.2025 (Annexure P-4) passed by the respondent No.2-Deputy Commissioner Mansa, whereby an application dated 03.02.2025(Annexure P3) seeking transfer of the case from Election Tribunal-cum-SDM, Mansa to some other competent Court of jurisdiction, has been dismissed.

2. It may be noticed that vide the impugned order, respondent No.2- Deputy Commissioner Mansa, has dismissed the application moved by the petitioner seeking transfer of the election petition for the election of Sarpanch Village Burj Hari to another competent Court of the jurisdiction. Respondent No.2- Deputy Commissioner Mansa, after noticing the factual position has found that the petitioner did not lead any documentary evidence to

substantiate his claim. It was further found that the initial proceedings had already been conducted and the allegations levelled in the application were baseless. It was further directed that the Election Tribunal-cum-Sub Divisional Magistrate, Mansa, shall give full opportunity to both the parties to present their evidence and of being heard and ensure that the case was decided on the basis of fairness and merits within the stipulated time.

3. Learned counsel for the appellant has vehemently contended that real nephew of respondent No.4-Gurpreet Kaur is working as a PA to MLA (Member of Legislative Assembly), Mansa. It is further argued that the said MLA belongs to the ruling party and that there is every chance that the proceedings in the election petition will be influenced by respondent No.4 through her nephew in order to have the desired result. It is further argued that respondent No.2 did not provide any opportunity to the petitioner to lead any evidence in respect of the averments contained in the transfer application and, therefore, the finding of respondent No.2 that the petitioner could not produce any document to substantiate his allegation is not tenable in the eyes of law.

4. We have heard the learned counsel for the petitioner and have also gone through the impugned order.

5. As per the facts on record, respondent No.4-Gurpreet Kaur filed an election petition challenging the election of the petitioner as Sarpanch of Gram Panchayat Village Burj Hari, Tehsil and District Mansa. In the said application, upon notice, the petitioner had appeared and filed his written statement. Respondent No.2, vide

the impugned order, has dismissed the transfer application filed by the petitioner. We find that a specific procedure is stipulated for decision of the election petition. The averments made by the petitioner are merely in the nature of apprehensions. Merely because the nephew of respondent No.4 is working as a PA to the MLA, is no ground to hold that the election proceedings will not be conducted by the said authority in accordance with law. Respondent No.2 is perfectly justified in observing that the proceedings had already been initiated and further directed the election Tribunal-cum-Sub-Divisional Magistrate, Mansa to grant the opportunities to present their evidence and opportunity of being heard. We find that the impugned order does not suffer from any illegality or perversity. We, however, expect that the Election Tribunal-cum-Sub-Divisional Magistrate, Mansa shall conduct the proceedings as per the directions issued by respondent No.2 and in accordance with law in a fair and transparent manner.

6. In view of the above, finding no merit in the present petition, the same is hereby dismissed.

7. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

04.03.2025

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No