

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

114

CWP-8557-2026

DATE OF DECISION: 07.04.2026

ROOP SINGH AND OTHERS**... Petitioners****Versus****THE STATE OF PUNJAB AND OTHERS****... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

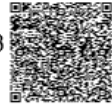
Present: Mr. Ashok Aggarwal, Senior Advocate with
Mr. Shrenik Jain, Advocate,
Mr. Arshdeep S. Kaler, Advocate,
Mr. Saurav Bhatia, Advocate and
Mr. Navdeep S. Khokhar, Advocate for the petitioners.

Mr. Rahul Rampal, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. The present petition has been filed challenging the proceedings of the meeting held on 14.03.2026 of the respondent-Panchayat Samiti, Mansa wherein, the private respondents No.4 and 5 have been elected as Chairman and Vice Chairman respectively.

2. Learned Senior counsel appearing on behalf of the petitioners argues that for conducting the election for the post of Chairman/Vice Chairman of the concerned Panchayat Samiti, a meeting was convened initially on 03.03.2026 but was unlawfully adjourned to 05.03.2026, which meeting was further adjourned to 14.03.2026 without any cogent reason. Learned Senior counsel submits that qua the said meeting dated 14.03.2026 conducted, the petitioners have a two-fold grievance, one that they were not allowed to attend the meeting and were held captive and the second is, that even the election process undertaken by the



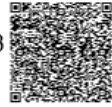
Members attending the said meeting was contrary to the Rule 45 (2) of the Punjab Panchayati Raj (Election of Sarpanches and Panches) Rules, 1994 (hereafter referred to as ‘Rules, 1994’) hence, the said resolution dated 14.03.2026 is liable to be set aside.

3. Notice of motion.

4. Mr. Rahul Rampal, Addl. A.G., Punjab accepts notice on behalf of respondent-State. He submits that not only the disputed question of fact arise for consideration before this Court as, it is the categoric stand of the State keeping in view the instructions imparted that no person was restrained from attending the meeting dated 14.03.2026 rather, it was the petitioners who chose to boycott the same apprehending that they will not be able to elect their own candidate as Chairman/Vice Chairman as the case may be.

5. Learned State counsel further submits that even otherwise, the meeting which was held on 14.03.2026 had the quorum for election of the Chairman/Vice Chairman of the Panchayat Samiti concerned as mentioned in Rule 45(6) of the Rules, 1994 as, the meeting dated 14.03.2026 was not the first meeting but was the third meeting for the purpose in question as the earlier two meetings did not get required quorum for conducting the business.

6. The last argument raised by the learned State counsel is that under any circumstances, in case there is a grievance with regard to the election of the Chairman/Vice Chairman of the Panchayat Samiti, the remedy available is the election petition keeping in view the judgment of the Hon’ble Supreme Court of India in Civil Appeal No.6325 of 2025 (arising out of SLP (C) No. 21724 of 2003) titled “*Harnek Singh Vs. Charanjit Singh and others*”, dated 07.10.2005 and therefore, the writ petition, which involve the disputed question of fact, may kindly be dismissed with liberty to approach the appropriate Forum for the redressal of

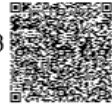


the grievance of the petitioners, if any.

7. We have heard learned counsel for the parties and have gone through the record with their able assistance.

8. The first question which needs to be decided is whether, the present petition involves any disputed question of fact so that, the petitioner should be relegated to avail the remedy before the Election Tribunal.

9. The argument raised on behalf of the petitioners is that though, they were available on the venue and were also allowed to enter the premises where the meeting dated 14.03.2026 was to be held but under a pretext, they were locked in a particular room so as to avoid allowing them to join the meeting in order to elect their own candidate as Chairman/Vice Chairman. The said allegation is being denied by the State. Once, the State is on record through the oral submission of the learned State counsel who is making the same on the instructions from the competent authority that no one was prevented from attending the meeting at any given point of time coupled with the fact that it was the petitioners who boycotted the meeting apprehending that they will not be able to choose their own candidate a ploy has been raised before this Court for creating doubts about the genuinity/fairness of the meeting dated 14.03.2026 wherein, the private respondents No.4 and 5 have been elected as a Chairman/Vice Chairman. The petitioners are supporting their cause/allegation on the basis of the photographs which have been attached whereas, the respondents are disputing that they were prevented from attending the meeting. The said factual aspect can only be decided on the basis of the evidence produced by the relevant party before an appropriate Forum who can adjudicate the same. This Court, keeping in view the law settled by the judgment of the Hon'ble Supreme Court in Civil Appeal No.2848 of 2021 titled "*Shubhas Jain vs. Rajeshwari Shivam and others*", decided on 20.07.2021



that where, any fact which is disputed and goes to the root of the case, the proceedings under Article 226 should not be undertaken to decide such disputed question of fact. The relevant paragraph of the judgment is reproduced hereunder:-

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of fact. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

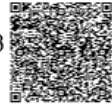
10. Further, in somewhat similar circumstances CWP-9662-2026 titled ***“Rana Inder Pratap Singh and others vs. State of Punjab and others”***, dated 01.04.2026, was held not maintainable involving disputed question of facts and the liberty was given to avail the remedy before the Election Tribunal.

11. It may be noticed that while deciding the CWP-9662-2026 a finding has been recorded, based upon the judgment of the Hon’ble Supreme Court of India in ***Harnek Singh (supra)*** that the election petition is maintainable even qua the election to the post of Chairman/Vice Chairman of the Panchayat Samiti. The relevant paragraph of the said judgment is reproduced hereunder:-

“17. In C. Subrahmanyam (1998) 8 SCC 703 a three-Judge Bench of this Court observed that a writ petition should not be entertained when the main question which fell for decision before the High Court was non-compliance with the provisions of the Act which was one of the grounds for an election petition in terms of Rule 12 framed under the Act.

18. Yet again in Jaspal Singh Arora (1998) 9 SCC 594 this Court opined:

“3. These appeals must be allowed on a short ground. In view of the mode of challenging the election by an election petition being prescribed by the M.P Municipalities Act, it is clear that the election could not be called in question except by an election petition as provided under that Act. The bar to interference by courts in electoral matters contained in Article 243-ZG of the Constitution was



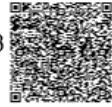
apparently overlooked by the High Court in allowing the writ petition. Apart from the bar under Article 243-ZG, on settled principles interference under Article 226 of the Constitution for the purpose of setting aside election to a municipality was not called for because of the statutory provision for election petition and also the fact that an earlier writ petition for the same purpose by a defeated candidate had been dismissed by the High Court.””

12. In the present case also, the challenge is to the resolution dated 14.03.2026 which relates to the election to the post of Chairman/Vice Chairman of the Panchayat Samiti, Mansa hence, keeping in view the finding hereinafter recorded in an earlier writ petition bearing CWP-9662-2026 which also involved a disputed question of fact, the petitioners therein have been directed to avail the remedy before the Election Tribunal, the present petition is also required to be decided on the same terms.

13. The learned Senior counsel appearing for the petitioners submits that certain grounds have been given for filing an election petition and this Court should clarify so that there is no ambiguity that any election petition filed hereinafter is not entertained by the election Tribunal that their claim is not covered under the grounds given under Section 89 of the Punjab State Election Commission Act, 1994 read with Punjab Panchayat Election Rules, 1994.

14. Though, the said question will only arise in case the State is before this Court so as to dispute that election petition is not maintainable to challenge the resolution dated 14.03.2026. Once, the State is before this Court that the election petition is maintainable qua resolution dated 14.03.2026, the Election Tribunal, will not be within its jurisdiction to hold that the election petition is not maintainable keeping in view the grounds given under Section 89 of the Punjab State Election Commission Act, 1994.

15. Even otherwise, it may be noticed that the following grounds have

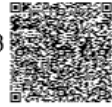


been given to file the election petition. Section 89 (2) is reproduced hereunder:-

“89. (2) If in the opinion of the Election Tribunal, a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the Election Tribunal is satisfied,— (a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every, such corrupt practice as committed contrary to the orders, and without the consent, of the candidate or his election agent; (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election: and (C) that in all other respects, the election was free from any corrupt practice on the part of the candidate or any of his agent; then the Election Tribunal may decide that the election of the returned candidate is not void.”

16. The said ground will be good enough in the facts and circumstances of the present case to decide the election petition as, the petitioners are alleging that the returned candidate has been selected out of the corrupt practice and not allowing a particular candidate to vote or restraining any candidate from voting, is covered within the meaning of corrupt practice as per Section 108 of the 1994 Act. Hence, by way of abundant caution, this Court is also of the view that in the facts and circumstances of the present case, the election petition under Section 89 of the 1994 Act keeping in view the grounds given therein will be maintainable before the Election Tribunal. It is made clear that this Court is not making any opinion on the merits of the case, the same will be decided by the Election Tribunal on the basis of the evidence brought before the Election Tribunal by either of the parties in support of their arguments.

17. With regard to the validity of the meeting, which question was raised by the learned Senior Counsel for the petitioners, it may be noticed that once the petitioners are relegated to avail the remedy before the Election Tribunal, it would not be justified for this Court to express any opinion about the said argument. In case the said argument is raised by the petitioners in their Election Petition, the Election Tribunal will decide the same in accordance with law, by passing an



appropriate order based upon the Rules as well as the facts brought before the Tribunal, by either of the parties.

18. Keeping in view the above, no ground is made out for any interference by this Court in the present writ petition and the same is disposed of with the liberty to the petitioners to avail appropriate remedy as admissible to them under law, as noticed hereinbefore.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

07.04.2026
sapna adhikari

Whether speaking/reasoned : Yes
Whether reportable : No