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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CMs-5787 & 5788-CWP-2026 in/&
CWP-11479-2026 (O&M)
Date of Decision :16.04.2026

Usha Rani and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Avinit Avasthi, Advocate for the petitioners.

Mr. Deepak Balyan, Addl. A.G. Haryana with
Ms. Anu Pal, Addl. A.G. Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the various actions performed by the State of Haryana with regard to the Municipal Corporation, Panchkula, which includes the delimitation of the wards of Municipal Corporation, Panchkula; reserving of wards for the members belonging to the scheduled castes category as well as various other actions taken by the Government qua the Municipal Corporation, Panchkula.

2. Learned counsel for the petitioners submits that though vide notification dated 15.01.2026 (Annexure P-27) issued by the Government of Haryana, certain wards being wards No.07,16 & 17 were reserved for the members of the scheduled castes category but nothing has come on record to

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show that out of all the wards of the Municipal Corporation Panchkula, the said wards have the maximum population of scheduled castes as per the census of year 2011, which is the requirement envisaged under law governing said issue.

3. Learned counsel for the petitioners submits that the respondents have reserved the said wards for the members belonging to scheduled castes category and while doing so, the State has relied upon the Family Information Data Repository, which is unlawful and wrong and therefore, the reservation of the wards for members of scheduled caste done vide Notification dated 15.01.2026 (Annexure P/27) is not correct and the respondents are liable to be directed to reconsider the said issue keeping in view the population data of all the wards as per the Census of year 2011 and thereafter, reserve the wards keeping in view which ward has the highest number of scheduled castes residing therein.

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

5. At the outset, learned counsel for the petitioners was asked to point out any averment made in the writ petition that the wards which have been reserved for the members belonging to schedule castes vide Notification dated 15.01.2026 (Annexure P/27) do not have maximum population of the scheduled castes even as per the census of year 2011.

6. Learned counsel for the petitioners submits that no such data is available with them and rather the same will be available with the State and therefore, the State should be asked to clarify the said aspect.

7. The answer given by the learned counsel for the petitioners to

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the query raised by this Court shows that no relevant data is available with petitioners to back the argument raised that as per 2011 census, wards reserved for scheduled castes categorises do not have maximum population of scheduled castes and no such data has been brought before this Court to challenge the Notification dated 15.01.2026 (Annexure P/27) with the clear averment that reservation of wards for the members of scheduled castes category in the upcoming elections of the Municipal Corporation, Panchkula, has not been done appropriately. Rather the writ petition has been filed only on the apprehension of the petitioners which apprehension has no base to stand upon keeping in view the facts brought on record and placed before this Court. Till an act which is being attributed to the respondents being illegal is proved to be illegal on the basis of the data on record, this Court will not interfere in an election process.

8. Further, despite various opportunities given during the hearing, learned counsel for the petitioners has not been able to point out that the wards which have been reserved for the members of scheduled castes category vide Notification dated 15.01.2026 (Annexure P/27) is incorrect or the reservation of such wards is not based upon the actual population of the reserved category residents of such wards. In the absence of any such data brought before this Court to controvert that process undertaken by State to reserve certain wards for members of scheduled castes, it cannot be concluded that the reservation of wards being wards No.07,16 & 17 is incorrect in any manner.

9. Further, keeping in view the advance copy of the petition given to the State, learned counsel for the respondent-State submits that the



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election schedule for conducting the elections of Municipal Corporation, Panchkula has already been issued vide notification dated 13.04.2026, the said factum has not been denied by the learned counsel for the petitioners.

10. Once, the factum that the election schedule for conducting the elections of Municipal Corporation, Panchkula has already been notified on 13.04.2026, which is not denied by the learned counsel for the petitioners, this Court will not have the jurisdiction to interfere so as to adjudicate upon the aspect that whether the delimitation of the wards or even the reservation of the wards reserved for reserved category is valid or not especially when, such exercise if undertaken, will amount to postponing of the elections beyond the election schedule already fixed by the State Election Commission, Haryana.

11. Learned counsel for the petitioners by placing reliance upon the judgment of the Hon'ble Supreme Court of India in **Dravida Munnetra Kazhagam (DMK) vs. Secretary Governors Secretariat and others 2020(6) SCC 548** contends that even if, the election schedule for conducting the elections of Municipal Corporation, Panchkula has already been issued still, the Court can interfere.

12. We have gone through the judgment in **Dravida Munnetra Kazhagam (supra)** wherein, the Hon'ble Supreme Court of India despite the fact that the election schedule was notified, had interfered. The said interference only came into being for the reason that according to the notification so issued therein, there existed a total of 39 wards whereas, actually delimitation of only 31 wards had been done and conducting the elections of 39 wards was impossible despite the election schedule already

issued hence, the Hon'ble Supreme Court of India directed that firstly, delimitation of all the wards should be done and thereafter the elections are to be held. The facts of the present case are entirely different than the one which existed in **Dravida Munnetra Kazhagam (supra)** i.e. the judgment being relied upon by the learned counsel for the petitioners as in the present petition, the challenge is to the delimitation of all the wards already done as well as to the reservation of wards done qua the reserved category scheduled castes hence, no benefit of the judgment in **Dravida Munnetra Kazhagam(supra)** can be given to the petitioners keeping in view the facts and circumstances of the present case.

13. Learned counsel for the petitioners has also places reliance upon paragraph-32 of the judgment in **Election Commission of India through Secretary vs. Ashok Kumar and others 2000(8) SCC 216**. For the sake of consideration, paragraph-32 of the said judgment is being reproduced:-

“32. For convenience sake we would now generally sum up our conclusions by partly restating what the two Constitution Benches have already said and then adding by clarifying what follows therefrom in view of the analysis made by us hereinabove:-

1) If an election, (the term election being widely interpreted so as to include all steps and entire proceedings commencing from the date of notification of election till the date of declaration of result) is to be called in question and which questioning may have the effect of interrupting, obstructing or protracting the election proceedings in any manner, the invoking of judicial remedy has to be postponed till after the completing of proceedings in elections.

- 2) Any decision sought and rendered will not amount to calling in question an election if it subserves the progress of the election and facilitates the completion of the election. Anything done towards completing or in furtherance of the election proceedings cannot be described as questioning the election.
- 3) Subject to the above, the action taken or orders issued by Election Commission are open to judicial review on the well-settled parameters which enable judicial review of decisions of statutory bodies such as on a case of mala fide or arbitrary exercise of power being made out or the statutory body being shown to have acted in breach of law.
- 4) Without interrupting, obstructing or delaying the progress of the election proceedings, judicial intervention is available if assistance of the Court has been sought for merely to correct or smoothen the progress of the election proceedings, to remove the obstacles therein, or to preserve a vital piece of evidence if the same would be lost or destroyed or rendered irretrievable by the time the results are declared and stage is set for invoking the jurisdiction of the Court.
- 5) The Court must be very circumspect and act with caution while entertaining any election dispute though not hit by the bar of Article 329(b) but brought to it during the pendency of election proceedings. The Court must guard against any attempt at retarding, interrupting, protracting or stalling of the election proceedings. Care has to be taken to see that there is no attempt to utilise the courts indulgence by filing a petition outwardly innocuous but essentially a subterfuge or pretext for achieving an ulterior or hidden end. Needless to say that in the very nature of the things the Court would act with reluctance and shall not act except on a clear and strong case for its intervention

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having been made out by raising the pleas with particulars and precision and supporting the same by necessary material."

14. Learned counsel for the petitioners submits that as per the view taken by Hon'ble Supreme Court of India, the Court can interfere in case, the decision sought and rendered will not amount to "calling in question an election" if it subserves the progress of the election and facilitates qua completion of elections.

15. Sub-para 2 of paragraph 32 of judgment in the case of **Ashok Kumar (supra)** which is being brought into operation in the present case, is not applicable as, the plea of the petitioners is that not only the process of delimitation undertaken by the State of Haryana is bad, which process requires reconsideration so as to delimit the wards of Municipal Corporation Panchkula again but also that the reservation of the wards done for members belonging to reserved categories is incorrect. It shall be noted that if any decision is given on such issue, same will postpone the elections rather than facilitating the completion of election process as, in case at this stage, the State is called upon to clarify the said argument raised on behalf of the petitioners, the elections schedule will not be adhered to under any circumstances and decision so sought will only hamper the election process rather than facilitating the same hence, the question which has been posed before this Court to be answered at the hands of the petitioners will necessarily amount to postponing of election in question schedule of which has already been announced.

16. Learned counsel for the petitioners has also relied upon the

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judgment of the Hon'ble Supreme Court of India in State of Goa and another vs. Fouziya Imtiaz Shaikh and another 2021 (8) SCC 401. The paragraph 63(ii) (iv), (v) & (vii) of the said judgment are being relied upon by learned counsel for the petitioners to contend that despite notification dated 13.04.2026 issued by the Government of Haryana stipulating election scheduled, this Court can interfere. Paragraph 63(ii) (iv), (v) & (vii) of the said judgment are being reproduced as under:-

“63(ii). If, however, the assistance of a writ court is required in subserving the progress of the election and facilitating its completion, the writ court may issue orders provided that the election process, once begun, cannot be postponed or protracted in any manner.

(iv). Under Article 243ZA(1), the SEC is in overall charge of the superintendence, direction and control of the preparation of electoral rolls, and the conduct of all municipal elections. If there is a constitutional or statutory infraction by any authority including the State Government either before or during the election process, the SEC by virtue of its power under Article 243ZA(1) can set right such infraction. For this purpose, it can direct the State Government or other authority to follow the Constitution or legislative enactment or direct such authority to correct an order which infracts the constitutional or statutory mandate. For this purpose, it can also approach a writ court to issue necessary directions in this behalf. It is entirely upto the SEC to set the election process in motion or, in cases where a constitutional or statutory provision is not followed or infringed, to postpone the election process until such illegal action is remedied. This the SEC will do taking into account the constitutional mandate of holding elections before the term of a municipality or municipal council is over. In extraordinary cases, the SEC may conduct elections after such term is over, only for good reason.



(v) Judicial review of a State Election Commission's order is available on grounds of review of administrative orders. Here again, the writ court must adopt a hands-off policy while the election process is on and interfere either before the process commences or after such process is completed unless interfering with such order subserves and facilitates the progress of the election.

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(vii) The bar contained in Article 243ZG(a) mandates that there be a judicial hands-off of the writ court or any court in questioning the validity of any law relating to delimitation of constituency or allotment of seats to such constituency made or purporting to be made under Article 243ZA. This is by virtue of the non-obstante clause contained in Article 243ZG. The statutory provisions dealing with delimitation and allotment of seats cannot therefore be questioned in any court. However, orders made under such statutory provisions can be questioned in courts provided the concerned statute does not give such orders the status of a statutory provision."

17. It may be noticed that as per the said paragraph also, the Writ Court can issue a writ in case, the same will not result into postponing of elections in any manner and would rather facilitate completion of election process. It may be further noticed that in the present case also, the elections so notified to be held in month of May 2026 will be postponed in case, the prayer of the petitioners is addressed. The argument raised by learned counsel for the petitioners by relying upon various judgment passed by Hon'ble Supreme Court of India does not finding any support keeping in view observations made by the Hon'ble Supreme Court of India.

18. Learned counsel for the respondent-State has relied upon the judgment of the Hon'ble Supreme Court of India in Civil Appeal No.11830-

1996 titled as Anugrah Narain Singh vs. State of Uttar Pradesh decided on 10.09.1996. Paragraphs No.11, 12 & 35 which are being relied upon by the learned State counsel are reproduced hereunder:-

"11. The question that came up for decision before the Allahabad High Court has been state in the judgment in the following words :-

"..... the common question raised in all these petitions is as to whether in terms of Article 243-ZG of the Constitution there is complete and absolute bar in considering any matter relating to Municipal Election on any ground whatsoever after the publication of the notification for holding Municipal Election."

12. The answer must be emphatically in the affirmative. The bar imposed by Article 243-ZG is two-fold. Validity of laws relating to delimitation and allotment of seats made under Article 243-ZA cannot be questioned in any Court. No election to a Municipality can be questioned except by an election petition. Moreover, it is well settled by now that if the election is immanent or well underway, the Court should not intervene to stop the election process. If this is allowed to be done, no election will ever take place because someone or the other will always find some excuse to move the Court and stall the elections. There were ten petitioners in the main writ petition and several others in connected writ petitions, who had questioned the fairness of the action of the authorities concerned in publication of the notifications dated 11th October, 1995 and 13th October, 1995 pursuant to which the elections to the Municipal Corporations throughout the State of U.P. were to be held. The State Government and also the Election Commission took the stand before the High Court that after the publication of the notification for



holding Municipal Elections, the High Court under Article 226 of the Constitution could not interfere with the election process. On the other hand, the writ-petitioners' contention was that the election was being held in a farcical manner and the confidence of the people has been shaken in the electoral process and the constitutional guarantee municipalities had been thrown to the winds. In this situation, Article 243-ZG could not be treated as an absolute bar to doing justice under Article 226 of the Constitution."

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35. Lastly, the Court on no account should have directed postponement of the elections by the impugned judgment and order dated 13th November, 1995. On 11th October, 1995, the notification for holding the municipal elections was issued. 16th to 20th October, 1995 was the period during which the nomination papers could be filed. 24th October, 1995 was the last date for withdrawal of nomination papers. Voting was to take place between 17th November to 20th November, 1995. The writ petition was filed as late 26th October, 1995 on the allegation that there were defects in the electoral rolls, delimitation of constituencies and reservation of seats. A similar writ petition moved before the Lucknow Bench of the Allahabad High Court (W.P. No. 2997 of 1995) had been dismissed by the Court on 18th October, 1995. Barely one week before the voting was scheduled to commence, the Court decided to intervene in the matter regardless of the repeated warnings given by this Court in a number of earlier decisions. The Court decided to intervene in the matter and stop the election process while it was nearing completion. In Lakshmi Charan's Case, it was held that the Court should not intervene even



when the elections were imminent. Here, the election was well underway."

19. Keeping in view the totality of the facts and circumstances of the present case, the claim raised by the petitioners cannot be entertained on merits as illegality sought to be projected has not been proved by the learned counsel for the petitioners so as to set aside the order delimiting the wards of Municipal Corporation Panchkula or even reservation of wards for the scheduled castes candidates in the upcoming elections. Even otherwise, the election schedule has already been notified and once the election schedule has notified, it means election of the Municipal Corporation Panchkula are underway and no election can be postponed by entertaining an issue which result in postponing of elections hence, under any circumstances, the plea raised by the petitioners cannot be entertained as the same will amount to postponing of elections keeping in view the issue raised in the present writ petition.

20. No other argument raised. Order is dictated in open Court.

21. Keeping in view the totality of the facts and circumstances of the present case, where the elections schedule has already been notified on 13.04.2026 by the Government of Haryana for holding the election of Municipal Corporation, Panchkula on 10.05.2026, coupled with the fact that even the issue raised with regard to reserving of wards for the members of scheduled castes on merits, has not been substantiated by the learned counsel for the petitioners that the said reservation of wards is bad in any manner or same has been based on incorrect data, no ground is made out for interference by this Court and the present writ petition is accordingly



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dismissed.

22. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

April 16, 2026
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Whether speaking/reasoned : Yes
Whether reportable : Yes