

ITEM NO.301

COURT NO.10

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 26170/2024

(Arising out of impugned final judgment and order dated 29-10-2024 in WA No. 2595/2024 passed by the High Court Of M.P. At Indore)

MANDEEP SINGH & ANR.

Petitioner(s)

VERSUS

COLLECTOR & ORS.

Respondent(s)

Date : 06-11-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.
Mr. Vibhor Khandelwal, Adv.
Mr. Ashish Agrawal, Adv.
Ms. Kirti Dubey, Adv.
Mr. Rongon Choudhary, Adv.
Ms. Alekhya Sattigeri, Adv.
Mr. Om Sudhir Vidyarthi, Adv.
Ms. Kanishka Gupta, Adv.
Mr. Sahil Monga, AOR

For Respondent(s) Ms. V. Mohana, Sr. Adv.
Mr. Vijay Assudani, Adv.
Mr. Divyansh Tiwari, Adv.
Ms. Bhavya Pande, Adv.
Mr. Nirnimesh Dube, AOR
(for Respondent No. 6)

UPON hearing the counsel the Court made the following
O R D E R

Mr. Shyam Divan, learned senior counsel, has made a statement at the Bar, on instructions, that so far as Petitioner No. 1 is concerned, he does not want to contest the matter. The name of Petitioner No. 1 is, accordingly, deleted from the array of parties. Cause Title be amended accordingly.

The dispute in the present case relates to an election of a Society called 'Guru Singh Sabha' which is duly registered under the provisions of M.P. Society Registrickaran Adhinyam, 1973. The last elections to the Guru Singh Sabha were conducted in the year 2012 and thereafter these elections could not be conducted although the law pertaining to the elections of the Guru Singh Sabha mandates that such elections should take place every year, after the resolution of the General Body. Shri Akal Takhat Saheb appointed one Shri Harpreet Singh Sudan as Chief Election Officer to conduct the elections of Guru Singh Sabha for the year 2024. Initially, the election programme was issued and the final voter list with allotment of symbols was also done by the Election Officer but the date of election could not be announced. Ultimately, the Chief Election Officer vide notice dated 03.09.2024 published the election programme, according to which the objections to the voters list were invited from 07.09.2024 to 11.09.2024 and the final list was to be published on 12.09.2024 and the date for voting was also announced as 06.10.2024. Subsequently, the date was postponed to 03.11.2024 and now we have been told that the elections have to take place on 07.11.2024 i.e. tomorrow.

This petition has been filed challenging the impugned order dated 29.10.2024 by which certain objections raised by one of the members of the Society, have been dismissed by the High Court, and directed that the election should take place in accordance with law as scheduled. At this stage, we must notice that a writ petition was filed seeking declaration that the challenging order of Election Commissioner. The writ petition was dismissed vide order

dated 04.10.2024 with liberty to the petitioner to seek remedy available under the law after the elections are over. The order dated 04.10.2024 has now attained finality. In spite of this, it is a matter of regret that petitions were still filed and all efforts have been made to stall the election process which is already on. This is in direct violation of the settled law which has been laid down by this Court in a catena of decisions.

Be that as it may, a writ petition was filed challenging the letter dated 26.09.2024 of the Chief Election Officer and the reply to the said letter by the Assistant Registrar by which he was given a list of 11687 members and directed Chief Election Officer to invite the objections afresh. These two orders were challenged before the learned Single Judge that came to the conclusion that such an order could not have been passed once the election process was on and the writ petition was allowed and the order was set aside and quashed. Against the said order, after taking leave of the Court, writ appeal was filed by the appellant in which a detailed order was passed stating that more than five writ petitions have already been filed to stall the elections and the present exercise by the Chief Election Officer and the other officers is nothing but an abuse of the process. The writ appeal was dismissed with the following observations:

"10. The conduct of appellant No. 2 and the Chief Election Officer is not appreciable for postponing the entire election by writing a letter. The Assistant Registrar has further reopened the controversy in respect of the voter list by writing a letter, which

also gave cause of action for filing these two writ appeals. This election has wasted so much valuable time of the High Court. Let the election process be completed on 03.11.2024 on the basis of the voter list of 11687 members of Shri Guru Singh Sabha. No fresh election programme is liable to be issued."

From the record, it is very clear that the election of Shri Guru Singh Sabha, which has to take place every year, subject to the Resolution of the General Body Meeting, has not taken place for the last more than 12 years. The last election was held in the year 2012. Now the election process has already started and the Notification had already been given and the election is to take place on November 7, 2024.

The law is settled in such cases in view of judgments of this Court in "N.P. Ponnuswami Vs. Returning Officer, Namakkal Constituency And Others" reported in (1952)S.C.R.218 and Mohinder Singh Gill & Anr. Vs. The Chief Election Commissioner, New Delhi & Ors. reported in (1978)1 SCC 405, which is that when the election process has begun, no order should normally be passed by the courts interfering with the election. The logic being that, if in such election matters, an interference is made by the Courts, then in all likelihood, no election can take place ever. The remedy, which is always available to the other side, is by way of an Election Petition or a Civil Suit, whatever the case may be, after the elections are over.

In the present case also, we are of the opinion that both the writ petition and the writ appeal have been disposed of in accordance with law, as the logic of the court being that, once the elections have been notified, the Courts should not interfere with the matter. In these circumstances, we see absolutely no reason to interfere in the matter.

The Special Leave Petition is, accordingly, dismissed.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER