

IN THE HIGH COURT OF JUDICATURE FOR _____

AT _____

S. B. CIVIL WRIT PETITION NO. _____ /2021

PETITIONER:

ABC.

VERSUS

RESPONDENTS:

1. State of _____ through .
2. The District Collector, Churu, _____.
3. Mr. _____.
(Presently holding the post of (elected post)).

Make all the parties concerned/related to the election which is being challenged.

**S.B. CIVIL WRIT PETITION UNDER ARTICLE 226/227 OF
THE CONSTITUTION OF INDIA**

AND

**IN THE MATTER OF ARTICLE 14, 21 AND PART XV OF THE
CONSTITUTION OF INDIA**

AND

**IN THE MATTER OF REPRESENTATION OF PEOPLE ACT,
1951**

AND

IN THE MATTER OF INDIAN PENAL CODE, 1860

AND

**IN THE MATTER OF CONCEALMENT OF MATERIAL FACTS AND
SUBMISSION OF FALSE AFFIDAVIT**

AND

IN THE MATTER OF PRINCIPLE OF NATURAL JUSTICE

To,

**THE HON'BLE CHIEF JUSTICE & OTHER
COMPANION JUDGES OF THE HIGH COURT OF
JUDICATURE FOR _____ AT
_____.**

MAY IT PLEASE YOUR LORDSHIPS,

The humble petitioner above named respectfully submits as under:-

1. That it is humbly submitted before this Hon'ble Court that the petitioner is citizen of India and resident of above mentioned address. The petitioner is also a local villager being vigilant of his rights and duty. The respondents No.1 to 3 are also exercising their sovereign powers through authority of law and are also responsible for ensuring the maintenance of directive principles enumerated in Part-IV of Constitution of India. The respondent No.4 is elected as _____, therefore, the petitioner is entitled to file writ petition under Article 226/227 of the Constitution of India before this Hon'ble Court.

2. That the present writ petition has been filed by the petitioner for issuance of writ of *Quo-Warranto* against the illegal holding of the post of member of panchayat samiti by the respondent No.4 in pursuant to the statutory election conducted by the respondent authorities.
3. Write the facts explaining the reason for filing the present petition challenging the election along with proofs and documents as Annexures.
4. That aggrieved of the inaction of the respondent authorities in not taking any action for removal of the respondent No.4 for the post of Member of Panchayat Samiti on the ground of his criminal status and also submission of fraud affidavit and also allowing to propagate the offences committed by him, prefers this writ petition on the following amongst other grounds:-

GROUND

- A. That the action of the respondent authorities suffers from manifest illegality and the same is violative of fundamental rights guaranteed to the petitioner and other similarly situated

persons. The Constitution of India in addition to the fundamental rights have also envisaged other legal rights which needs to be protected by mighty state in its exercise of powers for the welfare of the State at large as such the action of the respondent State deserves interferes by this Hon'ble Court in its extraordinary jurisdiction of Article 226 of the Constitution of India.

- B. That this Hon'ble Court may kindly interfere in the matter for the reason that the respondent No. __ by fraudulent means has participated in the election process undertaken by respondent State as a constitutional obligation and thereafter has also succeeded in winning the election under democratic set up. The documents collected by the petitioner through the various sources it has been found that the number of FIRs has been registered against respondent No.4 and the same is not mentioned in the nomination form and concealed by respondent No.4.
- C. That the (write down grounds on which election of the respondent should be declared null and void)

- D. That the petitioner craves leave of this Hon'ble Court to submit other grounds at the time of arguments.
5. That the petitioner has not filed any such writ petition either before the Hon'ble Court or before the Hon'ble Supreme Court
6. That petitioner does not have any other effective efficacious alternative remedy available to him

PRAYER

It is, therefore, respectfully prayed that this writ petition may kindly be allowed by calling records of the case and by an appropriate writ, order or direction in the form of *quo warranto*:-

- (a) That the record of the may call for ;
- (b) That the election/appointment of respondent No.4 as _____ may kindly be declared null and void and the same may be quashed and set aside.
- (c) That the respondent No.4 may kindly be ordered to be removed from the post _____.

- (d) That the respondent State Authorities may kindly be directed to inflict appropriate punishment on respondent No.4 in accordance with the Act_____.
- (e) the costs of the writ petition be also awarded in favour of the petitioner.
- (f) Any other appropriate writ or order or direction which is favorable to the petitioner in the facts and circumstances of the case may kindly be granted to the petitioner.

COUNSEL OF THE PETITIONER

Notes :

1. No such writ petition has been filed prior to it before this Hon'ble Court and before Hon'ble Supreme Court of India.
2. PF, notices & extra copies shall be filed within the prescribed time.
3. As the pie papers are not made readily available in the market, therefore, typed on these papers.
4. It has been typed by my private steno.

COUNSEL OF THE PETITIONER

Note: This petition has to be supported by an affidavit.