

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.11541 of 2015

Date of Decision:-01.07.2015

Radhey Shyam

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Ms. Harmeet Kaur Sidhu, Advocate for
Mr. Harinder Pal Singh Ishar, Advocate for the Petitioner.

Mr. Pardeep Prakash Chahar, DAG Haryana
for respondent nos.1 to 3.

Mr. Rajesh K. Sheoran, Advocate for respondent no.4.

This Court while issuing notice of motion on 28.05.2015
passed the following order:-

*“ One of the elected members of the Municipal Council,
Gohana is aggrieved by the impugned Notice dated
21.05.2015 (**Annexure P-1**) issued to all the Municipal
Councilors, Gohana for convening of a Special Meeting on
29.05.2015 for taking action on the application of the
Members of the Municipal Council, Gohana.*

*It is contended that the previous President of the
Municipal Council, Gohana has resigned on 26.03.2015 and,
therefore, the apprehension is that in the meeting to be held
on 29.05.2015, there is likelihood that a new President
would be elected. It is further contended that such a fresh
election of the election of President would be in clear*

violation of the procedures laid down in Rule 72-B read with Rule 70 of the Haryana Municipal Election Rules, 1978 which provides that the Notice shall clearly state that the election of the President shall be held in such a meeting.

*Notice of motion for **01.07.2015**.*

On the asking of the Court, Mr. Sandeep S. Mann, Sr. DAG, Haryana accepts notice on behalf of respondent nos.1 to 3.

Learned Counsel for the petitioner undertakes to furnish the requisite number of copies of the paper book during the course of the day.

*In the meanwhile, the election, if any, of the Office of the President in terms of the Notice (**P-1**) shall not be held.*

Copy of this order be given to the learned Counsel for the parties under the signatures of Bench Secretary of this Court.”

At the time of hearing learned Counsel for the parties are agreed that the present writ petition has become infructuous since in the meanwhile SDO (Civil) has been appointed as the Administrator of the Municipal Council, Gohana, therefore, nothing more requires to be adjudicated.

In view of the above, present writ petition is hereby dismissed as infructuous.

**(JASWANT SINGH)
JUDGE**

July 01, 2015
Vinay