

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

CWP No. 1804 of 2015

DATE OF DECISION : 02.02.2015

Kewal Krishan Jindal and others

.... PETITIONERS

Versus

State of Punjab and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present : Mr. Ghulam Nabi Malik, Advocate,
for the petitioners.

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SATISH KUMAR MITTAL, J. (Oral)

The petitioners have filed this petition challenging the notifications dated 08.01.2015 (Annexures P-3 and P-4) issued by the Government of Punjab, Department of Local Bodies, issued under Section 240 (1) (b) of the Punjab Municipal Act, 1911 and Rule 9 of the Delimitation of Wards of Municipalities Rules, 1972 (hereinafter referred to as 'the Rules'), reserving the Wards of Municipal Council, Malerkotla for different categories in the coming municipal elections.

Learned counsel contends that more than 90% of the area shown in the scheme dated 25.10.2014 (Annexure P-2) prepared by the Delimitation Board constituted under Rule 3 of the Rules for delimitation of Wards of Municipal Council, Malerkotla, has been changed while

publishing the impugned final notifications.

After hearing learned counsel for the petitioners, we do not find any force in the aforesaid contention. The Constitution of India and the Punjab Municipal Act, 1911 do not provide any mandatory requirement regarding reservation of the Wards. The authorities after considering the objections made by the residents of the area have to take a decision in this regard. Issuance of a notification in this regard cannot be questioned at the behest of one person challenging the reservation of wards. Once such a decision is taken, we do not find any ground to take up this issue in the writ jurisdiction under Article 226 of the Constitution of India, particularly when the elections to the Municipalities in Punjab are going to be held in the month of February, 2015, as the State Government in a connected writ petition (CWP No. 19982 of 2014, titled as Court on its own motion versus State of Punjab, decided on 17.12.2014) has given an undertaking that elections to the Municipalities in Punjab will be held in the month of February, 2015. Therefore, at this stage, we are not inclined to entertain this petition.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

February 02, 2015
ndj

(DARSHAN SINGH)
JUDGE