

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 12880 of 2016 (O&M)

Date of decision: 03.08.2016

Sumit Bansal and another

..... Petitioners

Vs.

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: Mr. B.S.Rana, Sr. Advocate with
Mr. Rajinder Paul, Advocate
for the petitioners.

Mr. Pawan Kumar Mutneja, Advocate
for the applicant in CM No. 7600 of 2016.

Mr. Naveen Kaushik, Addl. A.G.Haryana.

Mr. Satyapal Jain, Sr. Advocate with
Mr. Dheeraj Jain, Advocate and
Mr. Gautam Mittal, Advocate
for applicant-respondent No.7 (in CM No. 8085 of 2016)

AJAY KUMAR MITTAL,J.(ORAL)

The petitioners have approached this Court under Articles 226/227 of the Constitution of India directing respondents No.1 to 6 not to allow the Member of Parliament from Kurukshetra Constituency and MLA from Ladwa Assembly Constituency to cast their votes in the election for the posts of President and Vice President of Municipal Committee, Ladwa, Kurukshetra because they are not elected members of the Municipal Committee Ladwa.

2. The primary ground claimed in the present writ petition is that they are not elected members of Municipal Committee, Ladwa and the same

the Haryana Municipality Act, 1973.

3. Learned counsel for applicant/proposed respondent No.7 (in CM No. 8085 of 2016) stated that in compliance with the order of this Court dated 28.07.2016 the counting of votes has taken place, wherein the difference of votes which the two highest candidates have polled is more than two votes.

4. In such circumstances, no substantive relief can be granted to the petitioners and the present writ petition is disposed of by permitting the authorities to pass appropriate order after hearing the parties.

5. The votes of the MPs and MLAs have been produced separately in sealed covers in terms of the order dated 28.07.2016. However, the same have not been opened and returned to the State counsel in original. Needless to say, the legal issue raised herein shall be dealt in an appropriate case and is being left open.

6. In view of the disposal of the main petition, all the pending civil miscellaneous applications have become infructuous and the same are disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

(RAMENDRA JAIN)
JUDGE

03.08.2016
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No