

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

**CWP No. 12940 of 2016
Date of decision: 12.12.2016**

Veena Kohli	... Petitioner
versus	
State of Haryana and others	 Respondents

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

Present: Mr. Jagdish Manchanda, Advocate with
Mr. Sunil Sharma, Advocate for the petitioner(s)
In CWP Nos. 12940-41 of 2016.
None for petitioner in CWP No. 13806 of 2016.
Mr. Gaurav Bansal, Assistant Advocate General Haryana
Mr. Satya Pal Jain, Senior Advocate with
Mr. Dheeraj Jain, Advocate.
Mr. A.K. Chauhan, Advocate for
Mr. Arvind Singh, Advocate for respondent No.3
In CWP No. 13806 of 2016.
Mr. Lokesh Sinhal, Advocate for respondent No.6
In CWP No. 13806 of 2016.
Mr. Vijay Saini, Advocate for respondent Nos. 7 & 8
In CWP No. 12940 of 2016.

AJAY KUMAR MITTAL, J. (ORAL)

This order shall dispose of three writ petitions CWP Nos. 12940, 12941 and 13806 of 2016 as the learned counsel for the parties point out that issue involved herein is identical. However, the facts are extracted from CWP No. 12940 of 2016.

2. The petitioner has filed civil writ petition under Articles 226/227 of Constitution of India for quashing of letter memo no. 4AE/2016/48763-853 dated 24.06.2016 issued by respondent No.2 in violation of the judgment passed by Hon'ble Larger Bench of this Court and directing the respondents to hold the election of the President without counting the votes of Member of Parliament/Member of Legislative Assembly of the area of Shahabad (M) and Kurukshetra.

3. The primary issue that arises for challenge in these writ petitions', is whether the votes of Member of Parliament/Member of Legislative Assembly of the area of Shahabad and Kurukshetra are to be counted for the election of President.

4. Learned counsel for the respondent relied upon the judgment of the Division Bench of this Court in CWP No. 15972 of 2016 titled as Monika and others Vs. State of Haryana and others decided on 05.12.2016 wherein it has been held that the Member of Parliament/Member of Legislative Assembly cannot contest the election of the President/Vice President of the Municipal Council but at the same time are competent to vote for the election of the President/Vice President. It has been further held that the notification whereby they have been nominated as member of the Municipal Council under Section 9(3) (ii) of the Haryana Municipal Act 1973 shall come to an end only on the dissolution of the Legislative Assembly/Parliament.

5. In view of the detailed reasons recorded in CWP No. 15972 of 2016, the present writ petitions are dismissed.

(AJAY KUMAR MITTAL)
JUDGE

12.12.2016
kv

(RAMENDRA JAIN)
JUDGE

Whether speaking/non-speaking: Yes/No
Whether reportable : Yes/No