

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 19895 of 2016

Date of Decision: 23.9.2016

Karamjit Singh and others

....Petitioners.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. Gaurav Singla, Advocate for the petitioners.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have prayed for issuance of a writ in the nature of Mandamus directing respondent No.4 to conduct fresh elections to fill the vacant posts of Senior Vice President and Vice President of Municipal Council, Jagraon upon expiry of their tenure.

2. The elections of Municipal Council, Jagraon were held on 25.2.2015 and all the petitioners were elected as Members of Councillors of Municipal Council, Jagraon. In the meeting held on 13.3.2015, Shri Satish Kumar was elected as President, Shri Davinder Jit Singh Sidhu (petitioner No.8) as Senior Vice President and Shri Kanal Babbar was elected as Vice President. The tenure for the post of President is five years whereas the tenure for the posts of Senior Vice President and Vice President is one year. The posts of Senior Vice President and Vice President are lying vacant since 10.3.2016. The petitioners moved a requisition dated 29.3.2016 (Annexure P-1) before respondent No.5 for conducting fresh elections for the posts of Senior Vice President and Vice President. In response thereto, respondent No.5 vide letter dated 1.4.2016 (Annexure P-2) informed the petitioners that they had already started the process of conducting fresh election for the posts of Senior Vice President and Vice President and had

also sent the letter to respondent No.3 in this regard. Respondent No.3 vide letter dated 11.4.2016 (Annexure P-3) appointed respondent No.4 as convener for conducting the fresh election as per the instructions of Punjab Government. Thereafter, the petitioners requested respondent No.4 for conducting fresh election to fill the posts of Senior Vice President and Vice President, but to no effect. Accordingly, the petitioners moved a representation dated 1.9.2016 (Annexure P-4) to respondent No.4 for conducting re-election for the posts of Senior Vice President and Vice President of Municipal Council, Jagraon, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioners submitted that for the relief claimed in the writ petition, the petitioners have sent a representation dated 1.9.2016 (Annexure P-4) to respondent No.4, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioners, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.4 to take a decision on the a representation dated 1.9.2016 (Annexure P-4), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of ten days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 23, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No