

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 24056 of 2016

Date of Decision: 21.11.2016

Darshan Singh and others

....Petitioners.

Versus

The State of Punjab and others

...Respondents.

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

PRESENT: Mr. H.S. Minhas, 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 the respondents to conduct the election to the posts of Senior Vice President and Junior Vice President, Municipal Council, Adampur, District Jalandhar as the term of the office bearer has already been completed on 11.3.2016.

2. The petitioners are the elected members out of the total 13 members who have been elected under Sections 3 and 5 of the Punjab Municipal Election Rules, 1994 and their names were notified in the Government Gazette on 4.3.2015. On 11.3.2015, the meeting was presided over by Dr. Rajat Oberoi, PCS, Convener-cum-Sub Divisional Magistrate, Jalandhar-I for oath ceremony of 13 elected members and election of President, Senior Vice President and Junior Vice President. Vide

Resolution dated 11.3.2015 (Annexure P-1), S/Shri Pavittar Singh, Raman Kumar and Smt. Robita were elected as President, Senior Vice President and Junior Vice President. Their period has come to an end on 11.3.2016. The petitioners passed Resolution No.1 (Annexure P-2) in an urgent meeting held on 7.6.2016 at 4.30 PM under Special Proceeding Book and had sent the copies thereof to respondent No.7 and the concerned authorities. Further, in the said meeting Resolution Nos. 105, 106 and 107 were also passed for the election to the posts of President, Senior Vice President and Junior Vice President. However, no action was taken thereon. Accordingly, the petitioners moved a representation dated 29.8.2016 (Annexure P-3) to respondent No.6 for the election to the posts of President, Senior Vice President and Junior Vice President, but to no effect. Even the Election Commission, Punjab wrote a letter dated 15.9.2016 (Annexure P-4) to respondent No.4 for the election to the posts of President, Senior Vice President and Junior Vice President, but all in vain. Thereafter, the petitioners sent a reminder dated 18.10.2016 (Annexure P-5) to respondent No.4 for conducting the election to the posts of Senior Vice President and Junior Vice President, Municipal Council, Adampur, 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 29.8.2016 (Annexure P-3) followed by a reminder dated 18.10.2016 (Annexure P-5) to respondents No.4 and 6, 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.6 to take a decision on the letter/reminder dated 18.10.2016 (Annexure P-5), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioners within a period of one month from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

November 21, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No