

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 27008 of 2016

Date of Decision: 23.12.2016

Balwinder 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. Mohd. Yousaf, 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.2 to conduct the election to the post of Vice President in Nagar Panchayat Dirba which had fallen vacant since 15.10.2016.

2. The petitioners are elected members of Nagar Panchayat, Dirba which were held in June 2012. Ms. Parvinder Kaur was elected as President whereas Shri Jagpal Mittal was elected as Vice President. Vice President is elected for one year in Nagar Panchayat, Dirba. After Shri Jagpal Mittal, Ms. Sonia Garg, Shri Raj Kumar and Shri Hari Singh were made Vice Presidents. Shri Hari Singh completed his tenure as Vice President on 15.10.2016. Before expiry of the said term of the Vice President,

respondent No.3 wrote a letter dated 15.9.2016 (Annexure P-1) to

respondent No.2 for fixing the date, time and place of election to the post of Vice President. Again on the request of the petitioners, respondent No.3 vide letter dated 9.12.2016 (Annexure P-2) requested respondent No.2 for conducting the election to the post of Vice President, Nagar Panchayat, Dirba, but to no effect. Accordingly, the petitioners submitted a representation dated 30.11.2016 (Annexure P-3) to respondent No.2 for fixing the time, date and place for election to the post of Vice President, Nagar Panchayat, Dirba, 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 the representation dated 30.11.2016 (Annexure P-3) to respondent No.2, 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.2 to take a decision on the representation dated 30.11.2016 (Annexure P-3), 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

December 23, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No