

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.2139 of 2014

Date of Decision:-19.01.2016.

Maha Sabha Ludhiana

.....Appellant

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. J.S. Lalli, Advocate for the appellant.

Mr. K.K. Gupta, Additional A.G. Punjab.

Mr. Sunny Dhull, Advocate for
Mr. Ashok Bazaz, Advocate for respondent No.3.

Mr. S.S. Mattewal, Advocate for respondent No.4.

SURYA KANT, J. (ORAL)

1.) The instant Letters Patent Appeal has laid challenge to the order dated 30.10.2014 whereby learned Single Judge has dismissed the appellant's writ petition in which a direction for removal of respondent No.4 from the office of Councillor of Municipal Corporation, Ludhiana was sought.

2.) The solitary ground taken by the appellant-Society was

that respondent no.4 was allegedly in unauthorized possession of the Municipal land and thus, had incurred disqualification to hold the elected office. Learned Single Judge has dismissed the writ petition after noticing the fact that one Jaspal Singh was found in illegal possession of the land in question after the demarcation was carried out and that encroachment had already been removed.

3.) We have heard learned counsel for the parties at a considerable length and gone through the record.

4.) Since the very foundation of the cause on the basis of which removal of respondent No.4 is sought has either disappeared or is seriously disputed, we are satisfied that learned Single Judge rightly declined to exercise the discretionary jurisdiction.

5.) Dismissed.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

January 19, 2016.

sandeep sethi