

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.11397 of 2017

Date of Decision: May 23, 2017

Sunil Kumar @ Bitta

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Anmol Rattan Singh Sidhu, Senior Advocate with
Mr.Shiv Kumar Sharma, Advocate,
for the petitioner.

Mr.MJS Bedi, Advocate,
for caveator.

AMIT RAWAL, J. (Oral)

Mr.Anmol Rattan Singh Sidhu, learned Senior Counsel assisted by Mr.Shiv Kumar Sharma, representing the petitioner submits that the petitioner is an elected President of the Municipal Council, Rampura Phul, District Bathinda. Due to the formation of the new Government in the State, the other elected members of the Council, i.e., the Councilors had informed the petitioner of holding the meeting of the Municipal Council, Rampura vide letter dated 26.4.2017 (Annexure P-3) of holding meeting but the same was not received. Another communication dated 11.5.2017 (Annexure P-5), was given to Surjit Singh Clerk for calling meeting about non-confidence requisition and, thus, according to the respondent, the period of 14 days had expired on 16.5.2017, but in view of the provisions of sub-section (3) of Section 25 of the Punjab Municipal Act, 1911, the period of 14 days would expire on 25.5.2017 and in this regard, petitioner had written a letter dated 16.5.2017 (Annexure P-6) to the Deputy Commissioner, but yet the other

Councilors, vide Annexure P-7, had called for the special meeting to be held on 24.5.2017, which is without jurisdiction, much less such meeting cannot be held, being in violation of the aforementioned provisions of the Act. He has drawn the attention of this Court to the aforementioned provision, which reads as under:-

“xxxx 25. Times of holding meetings.-(1) Every committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws.

(2) The President or, in the absence 1[or during the vacancy of his office 2[or during his suspension under Section 22] a Vice-President may, whenever he thinks fits and shall on a requisition 3[specifying the purpose of the meeting made in writing] by not less than one fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

[(3) If the President or the Vice-President, as the case may be, fails to call a meeting of the committee within a period of fourteen days from the date of receipt of requisition, the members who had signed the requisition may convene a meeting of the committee in accordance with the bye-laws of the committee within a period of thirty days of the making of such requisition and notwithstanding anything contained in this Act such meeting shall be deemed to be a validly conveyed meeting:

Provided that no business other than that specified in the requisition shall be transacted in such meeting and the quorum for such a meeting shall be as provided for a special meeting under sub-section (1) of Section 27.”

Mr.MJS Bedi, learned counsel for the caveator, i.e., the elected member, who had convened meeting on 21.4.2017 vide Annexure P-7, submits that the meeting be postponed beyond 25.5.2017, though apparently

it is not in defiance to the aforementioned provisions of law as the period of 14 days expired on 16.5.2017 and in this regard has shown copy of notice dated 2.5.2017 sent to the President by the Executive Officer, which has been received by the wife of the petitioner and, thus, prays for dismissal of the writ petition.

I have heard the learned counsel for the parties and appraised the paper book.

Shorn of the facts, which are not in dispute, but from the perusal of the aforementioned provisions, it is crystal clear that on request of all the members of the elected body, i.e, members of the Municipal Council, the President is enjoined upon an obligation to convene a meeting within 14 days on receipt of the request. Notice (Annexure P-3) dated 26.4.2017 has not been received by the petitioner, but Annexure P-5 dated 11.5.2017 has been received and, thus, the period of 14 days to be reckoned from such date and not from 26.4.2017. Thus, in my view, the meeting slated for 24.5.2017, as indicated in Annexure P-7, is without jurisdiction and premature.

The request of Mr.Bedi for extending the date and time of the meeting is also misplaced as separate resolution for holding of special meeting statutorily is required to be passed beyond the expiry of 14 days.

Resultantly, Annexure P-7 is hereby quashed. Writ petition stands allowed in the aforementioned terms.

The respondents are at liberty to take the action in accordance with law.

May 23, 2017

ramesh

Whether speaking/reasoned

Whether Reportable:

(AMIT RAWAL)

JUDGE

Yes/No

Yes/No