

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1.CWP no. 27184 of 2015 (O&M)

Moti Lal

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

2.CWP no. 25868 of 2016 (O&M)

Harpreet Singh and another

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

Date of Decision : 24.01.2017

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE DR. SHEKHER DHAWAN**

**Present : Mr.Lalit Singla, Advocate for the petitioner
in CWP no. 27184 of 2015**

**Mr. Nakul Sharma, Advocate for the petitioner
in CWP no. 25868 of 2016**

Mr. Gaurav Garg Dhuriwala, DAG, Punjab

**Mr. Amit Goyal, Advocate for respondent no.4
in CWP no. 27184 of 2015**

MAHESH GROVER, J.(ORAL)

By this order, we will dispose of two writ petitions bearing
CWP nos. 27184 of 2015 and 25868 of 2016.

In CWP no. 27184 of 2015 the only question that has been
raised before us is that in terms of Section 21 (2) of the Punjab Municipal
Act, 1911, the Municipality has to frame its bye laws to fix the term of the

Vice President but it has not been done and therefore appropriate directions be issued to respondent no.4- Nagar Panchayat, Khanauri to frame the bye laws.

Section 21 is extracted herebelow:-

“Section 21 Term of office of President and Vice

President :- The term of office of President of a Municipality shall be co-terminus with the term of the Municipality.

(2) The term of office of Vice President of the Municipality shall be such as the Municipality may fix under its bye-laws.

(3) An outgoing President or the Vice President shall, if otherwise qualified, be eligible for the re-election.”

A bare perusal of the same leaves no room for doubt that the term of office of Vice President has to be fixed in terms of the bye laws and cannot be left to ambiguity. The framing of bye laws is therefore, essential and in the interest of smooth functioning of the Nagar Panchayat as also essential to obviate the chances of unnecessary disputes which may erupt on account of such ambiguities.

Even though the learned counsel representing the Nagar Panchayat does not dispute this proposition of law but strangely shirks its responsibility to do the same by levelling mala fides against the petitioner to contend that he was also Vice President at some point of time but he took no steps to frame the bye laws.

We are afraid such an argument does not absolve respondent

no.4 from carrying out its statutory duties. In fact respondent no.4 should have been forthright in conceding the position to undertake that the needful would be done but the obstructive attitude of the said respondent only indicates their dishonest plea and desire to perpetuate this ambiguity. We, therefore, dispose of the instant petition with a direction to respondent no.4 to frame the bye laws forthwith preferably within a period of two months from the date of receipt of the certified copy of this order.

In second petition i.e CWP no. 25868 of 2016 multifarious prayers have been made but what has been urged before us is regarding framing of bye laws which we have already answered above. Hence, this petition is also disposed of in above terms.

Both petitions stand disposed of.

(Mahesh Grover)
Judge

24.01.2017

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

(Shekher Dhawan)
Judge