

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6095 of 2017 (O&M)
Date of decision: 23.08.2017

H.C. Arora, Advocate

.... Petitioner

Versus

Union of India and Others

.... Respondents

CORAM: Hon'ble Mr. Justice S.S. Saron, Acting Chief Justice.
Hon'ble Mr. Justice Avneesh Jhingan.

Present: Mr. H.C. Arora, Advocate – petitioner in person.

Mr. Satya Pal Jain, Senior Advocate/Additional Solicitor
General of India with Mr. Dheeraj Jain, Advocate for
respondent No.1.

Mr. Suvir Sehgal, Senior Standing Counsel and Mr.
Sanjiv Ghai, Advocate for respondent No.2.

Ms. Deepali Puri, Advocate for respondent No.3.

Mr. Brijeshwar Singh Jaswal, Advocate for Mr. G.S.
Jaswal, Advocate for respondents No.4 to 12.

S.S. Saron, ACJ.

The petitioner H.C. Arora, Advocate by way of the present petition under Articles 226/227 of the Constitution of India seeks quashing of the provisions of Section 4 (3) (ii) of the Punjab Municipal Corporation Act, 1976 (as extended to the Union Territory, Chandigarh), ('MC Act' - for short) providing for voting rights to nine members nominated by the Union Territory, Chandigarh Administration, alleging the same to be violative of Article 243 R of the Constitution of India. Besides, being arbitrary as the providing of voting rights to the nominated members

undermines the democratic set up of the Municipal Corporation, Chandigarh (respondent No.3).

The petition has been filed in the nature of public interest litigation. At the time of hearing, an objection was raised by the respondents that the petitioner had earlier filed CWP No.5552 of 2007 on the same subject matter which was withdrawn by him on 16.12.2008. Therefore, he was not entitled to file the present petition.

Shri H. C. Arora, Advocate - petitioner in person submitted that his intention has been to press before this Court that nominated members of the House of Municipal Corporation, Chandigarh are not entitled to vote in the meetings of the House. Since the said cause is being pursued in the connected petition i.e. Satinder Singh v. Union of India, CWP No.20346 of 2016, he does not press the present petition. However, it is submitted that he be given liberty to assist this Court in the said petition.

In the facts and circumstances, liberty is given to Shri Arora, Advocate to assist this Court in Satinder Singh's case (supra).

In the circumstances, the present petition i.e. CWP No.6095 of 2017 is dismissed as withdrawn.

(S.S. Saron)
Acting Chief Justice

(Avneesh Jhingan)
Judge

23.8.2017
A.Kaundal

Note:-

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| (a) | Whether the order is speaking/reasoned: | Yes. |
| (b) | Whether the order is reportable : | No. |