

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 6967 of 2017

Date of Decision: 3.4.2017

Mandeep Singh @ Gora

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Jaswinder Singh, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondents No.1 to 4 to decide his representations dated 6.1.2017 (Annexure P-2) and dated 7.3.2017 (Annexure P-3).

2. The election to the post of President, Municipal Council, Mansa was held with the written consent dated 15.12.2016 (Annexure P-1) of Ex-President Balwinder Singh and others. The petitioner was elected as President, Municipal Council, Mansa vide proceedings dated 19.12.2016. Said Balwinder Singh and others filed CWP No. 27186 of 2016 for quashing the proceedings dated 19.12.2016. This Court vide order dated 16.1.2017 issued notice of motion for 6.3.2017 by holding that the election in question shall be subject to the outcome of the said writ petition.

Thereafter, the case stands adjourned to 15.5.2017. The petitioner moved a

representation dated 6.1.2017 (Annexure P-2) to respondent No.2 for issuance of notification for election to the post of President, Municipal Council, Mansa, but to no effect. Thereafter, another representation dated 7.3.2017 (Annexure P-3) was moved to respondent No.2, but no response has been received till date. In pursuance to the resolution of 'No Confidence' dated 18.5.2016, respondent No.2 issued a show cause notice and charge sheet dated 28.6.2016 (Annexure P-4) to Ex-President Balwinder Singh. Said Balwinder Singh filed CWP No. 16532 of 2016 against the show cause notice and charge sheet, Annexure P-4, and this Court vide order dated 29.8.2016 (Annexure P-5) dismissed the said writ petition. Further, CWP No. 23228 of 2016 was disposed of by this Court vide order dated 15.11.2016 with a direction to respondent No.2 to decide the representation dated 15.7.2016 by passing a speaking order and affording an opportunity of hearing to the petitioner therein. In response thereto, respondent No.2 vide order dated 30.1.2017 (Annexure P-6) concluded that Shri Balwinder Singh was rightly removed from the Presidentship of Municipal Council, Mansa on the basis of confidence motion passed against him on 19.5.2016 for which notification no. 6/68/2016-2LG3(5LG3)/1993 already stood issued on 21.10.2016. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent the representations dated 6.1.2017 (Annexure P-2) and dated 7.3.2017 (Annexure P-3) to respondent No.2, but no action has so far been taken thereon.

4. After hearing the learned counsel for the petitioner, 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 representations dated 6.1.2017 (Annexure P-2) and dated 7.3.2017 (Annexure P-3), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

April 3, 2017
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No