

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CWP-20091-2018 (O&M)

Date of Decision : 04.12.2018

Nirbhai Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. L.S. Sidhu, Advocate for the petitioners.

Ms. Anu Pal, DAG, Punjab.

A.B. CHAUDHARI.(ORAL)

Rule.

Heard forthwith with consent of counsel for the rival parties.

This court had made following order on 27.11.2018:-

*Learned counsel for the petitioners submits
that election to the post of President because of the
resignation of the earlier President had not been held
since February, 2018.*

*Learned State counsel seeks two weeks time.
We grant two weeks time as on the last date last
opportunity was granted.*

Adjourned to 04.12.2018."

It is not in dispute that for the post of President of Municipal Council, Derabassi the vacancy arose on 23.02.2018 due to resignation of the President. Since thereafter, the Municipal Council is without any President. The law mandates holding of an election of President in such a casual vacancy occurred as according to the present case immediately after the post is vacant.

As per the rules, the special meeting is required to be held for

holding election by the Deputy Commissioner. Pursuant to our last order dated 27.11.2018, learned State counsel submits that as per the instructions from SDM, Derabassi, elections would be held within a period of 4 weeks from today. However, submissions of learned State counsel is vehemently opposed by learned counsel for the petitioner who submits that only 3 days notice is required for holding a special meeting and time of two weeks should be granted.

Having heard learned counsel for the rival parties and having regard to the fact that there is no President in Municipal Council, Derabassi right since February, 2018 it will be inappropriate to grant 4 weeks time to hold a special meeting for election of President.

In view of the matter we uphold the submission made by learned counsel for the petitioner and make the following order:-

ORDER

1. Rule is made absolute.
2. Election to the post of President, Municipal Council, Derabassi shall be held within a period of 2 weeks from today.

Disposed of.

No order as to costs.

(A.B. CHAUDHARI)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

04.12.2018

pooja saini

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No