

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

CM-6757-58-CWP-2020 in/and
CWP NO.10319-2020 (O&M)
Date of Decision: 25.08.2020

Ajay Kumar Jhangra and another

....Petitioners

Versus

State of Haryana and ors.

....Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present : Mr. Vikram Singh, Advocate,
for the petitioners.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Mr. Jatinder Nagpal, Advocate,
for respondent No.6.

JASWANT SINGH , J.(Oral)

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

By filing the aforementioned writ petition, challenge has been laid to the result dated 30.09.2019 (Annexure P-6), whereby a no confidence motion against the then President and Vice President of Municipal Council Narwana was passed and they were unseated. Further challenge is to the notice dated 30.06.2020 (Annexure P-7) issued for conducting a special meeting for election to the President and Vice President, as also order dated 10.07.2020 (Annexure P-8), whereby Smt. Sunita-respondent No.7 and Mr. Raju Kumar son of Ram Kumar-

respondent No.8 were declared to be elected to the post of President and Vice President respectively of Municipal Council, Narwana.

The star argument raised on behalf of the petitioners is that in the light of amendment made on 04.09.2019 to Section 21 of the Haryana Municipal Act, 1973, the Deputy Commissioner had no power to entertain the No Confidence Motion for removal of the President and Vice President of the Municipal Council, Nirwana, District Jind on 30.09.2019 vide the impugned proceedings at Annexure P-6. Reliance is placed upon a judgment dated 30.07.2020 (Annexure P-9) passed by a Division Bench of this Court in CWP No.9434-2020 titled as **"Seema Rani vs. State of Haryana and others"**.

Upon notice the main case stands adjourned to 08.09.2020.

The petitioners had moved the two miscellaneous applications bearing CM-6757--CWP-2020 and CM-6758-2020, seeking the stay of the impugned order dated 10.07.2020 (Annexure P-8), as also for placing on record subsequent letters and agendas as Annexure P-10 to Annexure P-13 to plead that the new incumbents, could not be permitted to conduct proceeding to take major decision of MC, Narwana, in view of their illegal election.

Upon notice of the applications, counsel for the State submits that an ordinance dated 17.08.2020 has been notified, whereby sub-section 3 has been added with retrospective effect from 04.09.2019 in Section 279 of the Haryana Municipal Act, 1973, whereby the proceedings like the no confidence motion instituted prior to 04.09.2019 were to be governed by the un-amended provisions as it existed prior to

04.09.2019.

Counsel for the applicants-petitioners does not contest the existence of issuance of the amendment by way of aforesaid ordinance. He has made an oral request for preponement of the date of hearing of the main writ petition with the further prayer for withdrawal of the same, so as to challenge the insertion of sub-section 3 to Section 279 of the Haryana Municipal Act, 1973 as well.

In response, counsel for the State has no objection to the preponement and withdrawal of the petition to enable the petitioners to seek their remedy, if so, advised in accordance with law.

In view of the aforesaid circumstances, the date of hearing of the main case is preponed and petition is permitted to be withdrawn to file a fresh petition, if so advised, in accordance with law.

**(JASWANT SINGH)
JUDGE**

**(SANT PARKASH)
JUDGE**

August 25, 2020
sonika

whether speaking/reasoned: Yes/No
whether reportable: Yes/No