

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

CWP-12453-2020

Date of Decision: 21st August, 2020

Rma Kheterpal

....Petitioner

VERSUS

State of Haryana and others

....Respondents

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Ms. Kiran Bala Jain, Advocate for the Petitioner.

Mr. Ankur Mittal, Additional Advocate General Haryana.

Mr. Sandeep Verma, Advocate for Respondent No. 5.

Dr. S. Muralidhar, J.

1. In support of the prayers made in the present petition reliance has been placed by the Petitioner on the decision dated 13th July, 2020 of this Court in CWP No. 9434 of 2020 (*Seema Rani v. State of Haryana and others*). This Court had in aforesaid petition taken the view that Section 21 of the Haryana Municipal Act, 1973, as amended by the Haryana Municipal (Second Amendment) Act, 2019, could not be interpreted to say that the President of a Municipal Committee elected prior to 4th September, 2019, would continue to be governed by the unamended Section 21 HMA and therefore be removed through a no-confidence motion. It is noted in the aforesaid decision that such procedure of

removal *qua* the President stood deleted by the amendment made under Section 21 HMA with effect from 4th September, 2019.

2. It transpires that on 16th August, 2020, the Governor of Haryana has promulgated the Haryana Municipal (Amendment) Ordinance, 2020 adding after sub-section (2) of section 279 of the Haryana Municipal Act, 1973, a specific sub-section (3), the effect of which is to overcome the decision of this Court in *Seema Rani* (*supra*). Consequently, as of date, the Petitioner cannot seek to rely on the said decision.
3. In that view of the matter, the Petitioner is permitted to file a substantive petition, if so advised, to challenge the *vires* of the aforementioned Ordinance in accordance with law.
4. The petition is disposed of in the above terms.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

21st August, 2020
Satyawan

Whether speaking/reasoned No

Whether reportable No