

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

225

CWP No.2588 of 2018 (O&M)

Date of decision : 04.03.2020

Sikander Singh

... Petitioner

Versus

State of Punjab and others

.. Respondents

COCP No.616 of 2018

Sikander Singh

... Petitioner

Versus

Vikas Kumar Mittal

.... Respondent

CORAM : HON'BLE MR.JUSTICE SANJAY KUMAR

Present : None for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

Mr.R.S.Modi, Advocate for respondent No.4.

Mr.L.S.Sidhu, Advocate for respondent No.5

Mr.N.S.Sodhi, Law Officer O/o Director, Local Govt. Punjab.

Sanjay Kumar, J. (Oral):

CM No.1819 of 2018

This application is ordered. Annexure A-1 is taken on record.

CWP No.2588 of 2018

Perusal of the record reflects that Mr.L.S.Sidhu, learned counsel for the 5th respondent, had submitted on 4.2.2020 that the writ petition had become infructuous as the term of the office of the Vice-President of the Municipal Council, Bareta, was from February 2018 to February, 2019 only and therefore, the cause in this writ petition would not survive. As there was no representation for the petitioner, the matter was adjourned to 04.03.2020

Today, there was no representation for the petitioner when the matter was taken up during the morning session. Despite the matter being passed over twice, the same situation continues even in the afternoon.

In the main writ petition, the prayer of the petitioner was to direct the authorities to hand over the charge of the office of Vice-President of the Municipal Council, Bareta, to him. As the term of office of the said post was only up to February, 2019, the prayer of the petitioner to hand over charge of the post to him does not survive for consideration at this stage.

Further, Mr. Luvinder Sofat, learned Assistant Advocate General, Punjab, would inform this Court that the term of office of the entire committee of the Municipal Council, Bareta, would come to end on 08.03.2020. Therefore, it is clear that the cause in this writ petition does not survive for adjudication on merits at this stage. That is perhaps the reason why neither the petitioner nor his counsel are evincing any interest in prosecuting the case. The writ petition is accordingly dismissed for non-prosecution.

COCP No.616 of 2018

This contempt petition was instituted by the petitioner alleging wilful disobedience to the *status quo* order dated 06.02.2018 passed in CWP No.2588 of 2018. However, Annexure A-1, placed on record by the 5th respondent, demonstrates that he was elected as the Vice-President of the Municipal Council, Bareta, on 5.2.2018 itself. Therefore, the *status quo* order passed one day later did not have any impact upon his election and his assuming charge as the Vice-President of the Municipal Council, Bareta.

The contempt case is devoid of merit and the same is dismissed.
No order as to costs in both cases.

[SANJAY KUMAR]
JUDGE

04.03.2020

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Whether speaking/reasoned

: Yes/No

Whether Reportable

: Yes/No