

IN THE HIGH COURT OF PUNJAB AND HARYANA AND
CHANDIGARH

118 (PROCEEDINGS THROUGH V.C.)

CWP-1054-2021

Date of decision: 18.01.2021

LAKHBIR SINGH LODHINANGAL AND ANOTHER

...PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

..RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. G.S.Kaura, Advocate,
for the petitioners.

Mr. S.P.S.Tinna, Addl. A.G. Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J.

A writ in the nature of mandamus is being sought by the petitioners for issuance of a direction to the respondents to redetermine the delimitation of wards of Batala Municipal Corporation in terms of Section 8 and Section 9 of the Punjab Municipal Corporation Act, 1976 and to hold the elections in terms of such delimitation of wards only.

Reply to the writ petition has been filed by way of affidavit of Commissioner, Municipal Corporation, Batala-respondent No. 4, wherein it has been stated that the State of Punjab has issued a Notification dated 27.11.2020 for holding of a general election of the Municipal Corporation, Batala. In pursuance thereto, the State Election Commission, on 01.12.2020, has notified the Programme for elections whereby the electoral rolls were to be prepared by 09.12.2020 and final electoral rolls required to be published on 05.01.2021.

Learned counsel for the State has informed the Court that the date of elections has been declared i.e. 04.02.2021 and he, on the basis of the above, asserts that the prayer made by the petitioners, at this stage, cannot be entertained in the light of the bar under Article 243 ZG of the Constitution of India. Reliance has also been placed upon a judgment passed by this Court in Sat Pal Goyal vs. UT of Chandigarh and others, AIR 2017 P&H 29. He has also placed reliance upon a Division Bench judgment of this Court in Baldev Raj vs. State of Punjab (2009) ILR 1 (P&H) 355 as well as the Supreme Court judgment in Anugrah Narain Singh vs. State of U.P., (1996) 6 SCC 303. On the basis of the above, it has been asserted that the writ petition will not be maintainable and, therefore, deserves to be dismissed.

In view of the above facts and the law laid down in the above referred to judgments of the Courts, the present writ petition stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

January 18, 2021
PJ

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No