

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

CWP-7888-2020 (O&M)
Date of decision: 13.09.2021

Ashwani Kumar and others

....Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Puneet Bali, Sr. Advocate with
Mr. Vibhav Jain and
Mr. Sachin Jain, Advocates for the petitioners

Mr. Samarth Sagar, Addl. AG, Haryana

Mr. Sandeep Moudgil, Advocate for respondent no.4 to 6

Mr. Amit Jhanji, Sr. Advocate with
Mr. Shashank Shekhar, Advocate for respondent no. 7 to 10

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

On 09.09.2021, this Bench, after hearing learned counsel representing the parties, passed the following order:-

The petitioners have been removed from the elected office of the Municipal Councillors in the Municipal Council, Ateli Mandi, District Mahendragarh. The primary grievance of the petitioners is that a non-speaking order has been passed without affording an opportunity of hearing to them.

On the other hand, learned State counsel has informed the Court that bye elections for the office of Municipal Council are slated for 12.09.2021.

Keeping in view the aforesaid facts, Sh. Samarth Sagar, Addl. AG, Haryana, was requested to take instructions in the matter in the morning session. In the post lunch session, learned State counsel on

instructions from Sh. Arun Gupta, ACS, Urban Local Bodies, Haryana, has submitted that the competent authority is prepared to give a fresh hearing to the petitioners tomorrow i.e 10.09.2021 at 10:00 A.M at the following address:-

Room No.303, New Civil Secretariat,
Haryana

Sector 17, Chandigarh

Learned counsel for the petitioners has no objection to the aforesaid offer.

Hence, adjourned to 13.09.2021.

The competent authority is requested to pass an appropriate speaking order in accordance with law and upload the same by tomorrow. i.e 10.09.2021.”

Learned State counsel has submitted that a fresh order has been passed by the competent authority removing the petitioners from the elected office of the Municipal Councillors of Municipal Council, Ateli Mandi, District Mahendragarh and as a result, the writ petition has been rendered infructuous. He further states that the previous order passed by the competent authority i.e Annexure P-14 dated 22.05.2020 stands superseded by a subsequent order passed on 10.09.2021.

Sh. Puneet Bali, learned Senior counsel, representing the petitioners, has informed the Court that in the re-elections held on 12.09.2021, the petitioners have again been elected.

Keeping in view the aforesaid facts, the writ petition has been rendered infructuous and the same is disposed of as such.

All the pending miscellaneous applications, if any, are also disposed of.

13.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : No

(ANIL KSHETARPAL)
JUDGE