

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

(PROCEEDINGS THROUGH V.C.)

109+225

CWP-24290-2021 (O&M)
Date of decision : 20.12.2021

Sanjeev Sharma (Bittu)

Petitioner

V/S

State of Punjab and others

Respondents

**CORAM : HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Rajiv Atma Ram, Senior Advocate with
Mr. Arjun Pratap Atma Ram, Advocate and
Mr. Harneet Singh Oberoi, Advocate
for the petitioner.

Mr. D.S. Patwalia, Advocate General Punjab with
Ms. Anu Pal, DAG, Punjab.

Ms. Anu Chatrath, Senior Advocate with
Mr. Nishant Maini, Advocate for respondent No.2.

Mr. Mansur Ali, Advocate
for respondent No.3.

RITU BAHRI, J. (ORAL)

Learned Advocate General, Punjab has placed on record order dated 20.12.2021 passed by the Principal Secretary to Government of Punjab, Department of Local Government, Punjab which is taken on record.

Vide order dated 20.12.2021, resolution No.391 dated 25.11.2021 has been suspended under Section 422 of the Punjab Municipal Corporation Act, 1976 (for short 'the Act') and the house of the Municipal Corporation, Patiala was directed to take up the supplementary agenda regarding No Confidence Motion, if again

pressed in writing by the councilors who made the requisition under Section 39 of the Act.

Section 422 of the Act reads as under:-

“422. Government’s power to suspend any resolution or order of Corporation. - If the Government is of the opinion that the execution of any resolution or order of the Corporation or of any other Municipal authority or employee subordinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the Corporation is in contravention of or in excess of the powers conferred by this Act or of any other law for the time being in force or is likely to lead to breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, the Government may, by order in writing, suspend the execution of such resolution or order, or prohibit the doing of any such act.”

Keeping in view Section 422 of the Act, the resolution No.391 dated 25.11.2021 has been suspended and its effect is that it will never be acted upon in future and the execution of this resolution will not be carried out. Vide order dated 20.12.2021, liberty has also been granted to the councilors to initiate No Confidence Motion again in writing.

In view of above, no further order is required to be passed in the present writ petition and the same is disposed of accordingly.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

20.12.2021

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Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No