

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

(253)

CWP-1662-2021

Date of decision: - 09.05.2023

Dharambir Soni

....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ajay Jain, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana
for respondents No.1 to 5.

Mr. Brijesh, Advocate, for
Mr. Rajesh Gaur, Advocate
for respondent No.6.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of an appropriate writ, order or direction especially a writ in the nature of certiorari for quashing the impugned letter dated 14.10.2020 (Annexure P-9) issued by the Secretary, Municipal Committee, Bawal and a further prayer has been made for the issuance of a writ in the nature of mandamus directing the Secretary Municipal Committee, Bawal to make necessary amendment to the Honour Board of President Municipal Committee, Bawal with respect to the tenure of late Shri Raghuwar Dayal Kataria-President Municipal Committee, Bawal.

2. Learned counsel for the petitioner has submitted that the grandfather of the petitioner was elected as the President of the Municipal Committee, Bawal in the elections held in the year 1994 and the meeting of the house was held on 14.02.1995 and the grandfather of the petitioner had taken charge on 06.03.1995. It is further submitted that on 18.03.1999, the grandfather of the petitioner was removed from the office of the President and the said order dated 18.03.1999 was assailed by the grandfather of the petitioner by filing a civil writ petition bearing CWP-5409-1999 titled as “Raghuwar Dayal Kataria Vs. State of Haryana and others” and the Hon'ble Division Bench of this Court, vide order dated 28.05.1999, (Annexure P-1) quashed the said order dated 18.03.1999 and directed the Financial Commissioner and Secretary to Government to pass fresh order after giving opportunity of hearing to the parties. It is stated that the grandfather of the petitioner thereafter was reinstated and after his tenure was over had handed over the charge to the next incumbent on 02.02.2000.

3. It is the case of the present petitioner that in the year 2018, he had visited the office of the President, Municipal Committee, Bawal in connection with some work and during his visit, he discovered that on the Honour Board of President Municipal Committee, the complete tenure of his grandfather was not incorporated and the said fact was brought to the notice of respondent Municipal Committee. It is stated that thereafter the petitioner had filed the necessary application, but the Secretary of the Municipal Committee, Bawal, vide order dated 14.10.2020 (Annexure P-9) had stated that when the grandfather of the petitioner was removed

from the post of President, then, in his place, Smt. Krishna Devi was handed over the charge of the President as per Byelaw 36 of the Haryana Municipal Working Byelaws 1981 and that from 11.10.1999 to 02.02.2000, there was no record available in the office regarding reinstatement of the grandfather of the present petitioner. Aggrieved against the said order, the present writ petition has been filed challenging the said order dated 14.10.2020 (Annexure P-9), with a further prayer to incorporate the name of the grandfather of the petitioner in the Honour Board of President Municipal Committee Bawal.

3. Learned counsel appearing on behalf of respondent No.6 has referred to Annexure R-4, which is the amended Honour Board of President Municipal Committee, Bawal and as per the same, name of the grandfather of the petitioner has been incorporated at Sr. No.3 and the entire tenure from 06.03.1995 to 02.02.2000 has been mentioned in front of the name of the grandfather of the petitioner and the amendment as sought has been made and the grievance of the petitioner has been addressed and thus, the present petition has been rendered infructuous.

4. Learned counsel for the petitioner has submitted that although the primary grievance of the petitioner has been addressed, but Smt.Krishna Devi Nainawat has been shown as the Vice President - Officiated as President from 05.04.1999 to 02.02.2000 and the said entry has caused prejudice to the petitioner and his family, inasmuch as, there is an overlap with respect to some period of the tenure of the grandfather of the petitioner with that of Smt. Krishna Devi Nainawat.

5. Learned counsel for respondent No.6 in rebuttal to the said

argument has submitted that the prayer made by the petitioner has already been granted and it was necessary for respondent No.6-Municipal Committee, Bawal to incorporate the name of Smt. Krishna Devi Nainawat also in the Honour Board of Municipal Committee, Bawal as the fact that she was the Vice President - Officiated as President from 05.04.1999 to 02.02.2000 for the period for which the grandfather of the petitioner was removed and was thereafter reinstated, is not disputed. It is stated that the said Board reflects the actual position and thus, cannot be further amended.

6. This Court has heard learned counsel for the parties and has gone through the paper-book.

7. The prayer made in the present writ petition with respect to incorporation of name of the grandfather of the petitioner in the Honour Board of President Municipal Committee, Bawal, stands satisfied as the name of the grandfather of the petitioner has been mentioned at Sr.No.3 of the Honour Board of President M.C. Bawal, which fact is apparent from Annexure R-4. Moreover, mentioning of name of Smt.Krishna Devi Nainawat from 05.04.1999 to 02.02.2000 cannot be stated to be in any way illegal or against law, inasmuch as, it is not in dispute that for the period the grandfather of the petitioner was removed and was thereafter reinstated, it was the said Smt. Krishna Devi Nainawat, who had been officiated as the President of Municipal Committee, Bawal and thus, the Honour Board of President M.C., Bawal reflects the correct position and no further interference is called for in the present writ petition.

8. In view of the above, the present writ petition is disposed of,
as having been rendered infructuous.

May 09, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No