

2024:PHHC:026732-DB

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-2169-2024

Date of Decision: 26.02.2024

Kuldeep Kumar

Versus

U.T. Chandigarh and others

..... Petitioner

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE HARSH BUNGER

Present:

Mr. Gurminder Singh, Senior Advocate assisted by
Mr. R.P.S. Bara, Advocate,
Mr. K.S. Kharbanda, Advocate,
Mr. Ferry Sofat, Advocate,
Mr. Gurbhej Singh, Advocate and
Mr. Harpreet Singh, Advocate
for the petitioner.

Mr. Anil Mehta, Senior Standing Counsel, U.T., Chandigarh
with Mr.Sumeet Jain, Addl. Standing Counsel, U.T.Chandigarh,
Mr. Sanjiv Ghai, Addl. Panel Counsel, U.T., Chandigarh
and Mr. Parminder S.Kaul, Advocate
for respondents No.1 and 2.

Mr. Chetan Mittal, Senior Advocate assisted by
Mr. Prateek Gupta, Advocate
for respondents No.3 and 4.

Mr. Manish Bansal, P.P., U.T., Chandigarh and
Mr. Rajeev Anand, A.P.P., U.T., Chandigarh
for respondents No.5 and 6.

SUDHIR SINGH J. (ORAL)

1.

Petition herein is, *inter alia*, for issuance of a writ in the nature
of Certiorari for setting aside the process of election of Mayor of the
Municipal Corporation, Chandigarh.

Learned senior counsel representing the petitioner submits that

the present writ petition is required to be disposed of in the light of observations made by the Hon’ble Supreme Court vide judgment dated 20.02.2024 passed in **Civil Appeal No.2874 of 2024** (arising out of Special Leave Petition (Civil) No.2998 of 2024), as regards the election to the post of Mayor, Municipal Corporation, Chandigarh.

3. Operational part of the aforesaid judgment reads as under:-

“2. The present appeal arises from an interim order of a Division Bench of the High Court of Punjab & Haryana dated 31 January 2024. The order impugned originates in a writ petition alleging electoral malpractices by the presiding officer who conducted the election to the post of Mayor at the Chandigarh Municipal Corporation. The High Court issued notice and listed the petition after three weeks, but it declined to stay the result of the election or grant any other interim relief. The appellant approached this Court assailing the Order and raised serious allegations about the sanctity of the election. With the course the proceedings have taken, this judgment will result in a final order on the writ petition before the High Court.”

4. Keeping in view the above, the present writ petition shall stand disposed of in the light of judgment dated 20.02.2024 passed by the Hon’ble Supreme Court in **Civil Appeal No.2874 of 2024**.

5. All pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(HARSH BUNGER)
JUDGE

26.02.2024
Apurva