



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

214

**CWP-8162 of 2023 (O&M)
Date of decision:- 23.09.2024**

Jaspal Singh

...Petitioner

Versus

Union Territory, Chd. and others

...Respondents

***CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA***

Present:- Mr. M.K. Sajjan, Advocate
for the petitioner.

Mr. Amit Jhanji, Sr. Advocate assisted by
Ms. Ashna Gill, Advocate
for U.T. Chandigarh

Mr. M.S. Baath, Advocate
for respondent No. 4

SURESHWAR THAKUR, J. (Oral)

1. Through the instant writ petition challenge is made to the notification dated 18.10.2022 (Annexure P-7) whereby in terms of the apposite powers of nomination conferred by Clause (ii) of Sub Section 3 of Section 4 of the Punjab Municipal Corporation Act, 1976 (herein after to be referred to as 'Act of 1976'), as extended to Union Territory Chandigarh by the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994 (Act No. 45 of 1994), upon the Administrator, thus, the Administrator of the Union Territory Chandigarh, nominated Councilors to the Municipal Corporation, Chandigarh.

In terms of the said vested statutory jurisdiction in the Administrator, the latter proceeded to nominate the persons declared in Annexure P-7, as Members (Councilors) to the Municipal Corporation,

Chandigarh.

The only ground as raised in the instant writ petition for annulling Annexure P-7 becomes rested on the factum that the said power is likely to be abused as and has also been abused, on the ground that the elections to the post of Office of Councils in the Chandigarh Municipal Corporation were not held or were being delayed and thereby the incumbencies were to be filled by only Elected Councilors, through the apposite democratically engaged process, than the persons named in Annexure P-7 becoming nominated as Councilors.

However, the said made argument has no force, as the said power whereby the persons declared in Annexure P-7, have been nominated as Councilors to the Municipal Bodies (supra), thus have been appointed in addition to the Elected Councilors to the Municipal Bodies (supra).

Even otherwise, the said power appears to be analogous to the powers vested in the President to nominate members respectively in the Lok Sabha and in the Rajya Sabha. Likewise, the said power appears to be analogous to the power vested in the Governor, to nominate members to the Vidhan Parishad, in those Federal Units in the Union of India, wheresoever, such Vidhan Parishads exist.

In consequence, finding no merit in the same, the instant writ petition is dismissed.

(SURESHWAR THAKUR)
JUDGE

23.09.2024
G Arora

(SUDEEPTI SHARMA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>