



CWP-4560-2025 (O&M)

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

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CWP-4560-2025 (O&M)

Decided on :19.03.2025

Sanjeev Kumar and Anr.

....Petitioners.

VERSUS

State of Punjab and Ors.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. K.S. Jhikka, Advocate for the petitioners.
Mr. Kuljit Singh, Addl. AG Punjab.
Mr. Harsh Aggarwal, Advocate
for respondent No.4.

SUDHIR SINGH, J (ORAL)

Petitioners have sought issuance of writ in the nature of certiorari for quashing the election process to the post of Mayor, Senior Deputy Mayor and Deputy Mayor of Municipal Corporation, Phagwara, alleging therein that the election of respondent Nos.7 to 9 is illegal and held in complete derogation of the order dated 29.01.2025 (Annexure P-3) passed by this Court in CWP-2320-2025.

2 On 10.03.2025, when the matter came up for hearing, the learned counsel for the petitioners had raised arguments in respect to the alleged illegalities committed during the aforesaid election process while taking on record the short reply filed on behalf of respondent No.4, this Court had directed the learned State counsel to file an affidavit along with the videography of the aforesaid election process.

3 Today, during the resumed hearing of the Court, the Office has put up copy of the report of the Observer dated 01.02.2025.



4 It may be noticed that vide order dated 29.01.2025 passed by this Court, while disposing of the writ petition with the directions contained in para 10 of the said order, Hon'ble Mr. Justice Harbans Lal, Former Judge of this Court, was appointed as an independent Observer for the purposes of the aforesaid election.

5 It is conceded fact that the election was conducted on the scheduled date but the petitioners alleged that various illegalities had been committed during the process of election.

6 Apart from arguments raised on the previous date of hearing, learned counsel for the petitioners also submits that some of the candidates, participating in the election process had raised their both hands and some were taken into consideration while counting the votes polled.

7 In order to examine the said arguments of the learned counsel for the petitioners, it would be relevant to go through the report submitted by the Independent Observer. The contents of the said report are as under:-

'The undersigned was appointed as the Independent Observer for overseeing the proceedings for the election of Mayor, Senior Deputy Mayor and Deputy mayor of Municipal Corporation Phagwara by Hon'ble Punjab & Haryana High Court, vide order dated 29-01-2025 in Civil writ Petition No. 2320 of 2025 bearing caption Dikram Singh V/s State of Punjab & Others.

The meeting was scheduled for 01-02-2025, at 04:00 PM at Municipal Corporation Auditorium, backside PWD Rest House, Phagwara by the Divisional Commissioner, Jalandhar Division Cum-Convener for this meeting.

The meeting was held as per the directions of the Honourable High Court under videography and with the undersigned overseeing the Proceedings. At the outset, the attendance of the house was inquired and one member Smt. Gurpreet Kaur Jhikka of the Congress was found absent for which the undersigned directed to wait for 5 minutes than the scheduled time. Subsequently, the convener for the meeting Mr Arun Sekhri, Divisional Commissioner, Jalandhar Division administered Oath to the 2 remaining councilors and then appointed Sh. Ravi Kumar councilor ward No. 30 Phagwara as the presiding officer under section 60(A) of the Punjab Municipal Corporation Act.



The presiding officer after assuming the office initiated the proceedings for the Election of Mayor, Senior Deputy Mayor & Deputy Mayor.

Two names were proposed for the post of Mayor Sh. Sanjeev Kumar and Sh. Ram Paul Uppal. The counting for Sh. Ram Paul Uppal was done by the presiding officer first by the means of raising of hands. On being noticed by me and also on being raised objection regarding raising of two hands by one councilor sitting in the front row, the Undersigned immediately got up from the Chair and asked such councilor to put down his one hand and accordingly, he did and thereafter, the Undersigned along with the convener counted the hands, which came out to 26, whereas, the hands raised in favour of Sh. Sanjeev Kumar on being counted were found to be 24. Thus, proving majority in favour of the candidate Mr. Ram Paul Uppal, he was elected as Mayor.

Further the presiding officer sought the nomination for the senior Deputy Mayor & Deputy Mayor for both these posts.

Sh. Inderjit Councilor Ward no, 26 proposed the name of Sh. Tejpal Basra, Councilor ward no.14 for the post of Senior Deputy Mayor. His name was supported by Smt. Neha Ohri, Councilor ward no.49. The name of any other councilor for the post of Senior Deputy Mayor was not proposed. 28 Councilor raised their hands in favour of Sh. Tejpal Basra, Councilor ward no.14 and that being so, he was elected by majority.

Sh. Harpreet Singh Bhogal, councilor ward no.10 proposed the name of Sh. Vipin Krishan Sood, Councilor ward no.16 for the post of Deputy Mayor and his name was seconded by Smt. Pritpal Kaur, Councilor ward no.41. The name of any other Councilor was not proposed by anyone else for this post. As many as 26 Councilors raised hands in favour of Sh. Vipin Krishan Sood, Councilor ward no.16 and thus, he was elected by majority. The copy of the entire proceedings is attached herewith for kind reference.'

8 We find that in para No. 5 of the said report, the learned Observer has noticed the factum of raising of two hands by one councilor sitting in the front row but the Observer had immediately asked such councilor to put down his hand. It is further mentioned in the said report that the Observer along with the convener counted the hands which came out to be 26, whereas the hands raised in favour of petitioner-Sanjeev Kumar, on being counted were found to be 24 and thus, Mr. Ram Paul Uppal was elected as Mayor of the Municipal Corporation, Phagwara.

9 Though, this Court had also directed the State counsel to produce the videography, yet the fact remains that when the report of the Observer itself is



clear regarding the transparency adopted in the election process, we find that no further orders are called for in the present writ petition.

10 Accordingly, we dismiss the present writ petition with cost of Rs.1,00,000/-, to be deposited by the petitioners with the Poor Patients Welfare Funds, PGIMER, Chandigarh.

11 Pending application(s), if any, stands disposed of accordingly.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

19.03.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No