

**CWP-16128-2024 & connected cases 2**

Dr. Anmol Rattan Sidhu, Senior Advocate, with
Mr. Shiv Kumar Sharma, Advocate, for respondent No.6.

Mr. Puneet Jindal, Senior Advocate, with
Mr. Puneet Bhushan, Advocate, for respondents N o. 7 to 23
in CWP-16128 of 2024.

Mr. Sandeep Khunger, Advocate, with
Mr. Saksham Khunger, Advocate and
Ms. Srishti, Advocate, for respondent No.6
in CWP-16816-2024 and CWP-16047-2025.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, three writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

2. In the present bunch of writ petitions, two petitions have been filed by the President of the Municipal Council, Zirakpur (hereinafter called the 'President'). In the first petition, the prayer put-forth by the petitioner is that the Resolution dated 05.07.2024 passed in pursuance to the requisition dated 28.06.2024, which was moved by the Members of the Municipal Council be treated as having been failed and in the second writ petition filed by the President, the prayer is that since the meeting of the Municipal Council, Zirakpur held on 15.07.2024 is without jurisdiction and the same was not a validly convened meeting, therefore, any Resolution passed in such meeting be treated as nullity for all intents and purposes.

3. CWP No.16047 of 2025 has been filed by the 16 Members of the Municipal Council, Zirakpur (hereinafter called the 'Members') with the prayer that at least Election qua the post of Vice President should be conducted keeping in view the order passed by the Coordinate Bench of this Court in these bunch of petitions that the Deputy Commissioner, SAS Nagar, Mohali will act as Administrator of the Municipal Council so as to

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conduct the meeting of the elected Members and the said Administrator has also been restrained from taking any decision with regard to any policy decision and development work are not being done which is causing prejudice to the residents of the Municipal Council, Zirakpur.

4. Certain facts needs to be noticed for the correct appreciation of the issue in hand.

5. The issue in hand relates to the “no confidence motion” called by the elected Members against the President namely Udayvir Singh Dhillon, who is the petitioner before this Court in CWP No.16128 and 16816 of 2024. A requisition dated 28.06.2024 was moved by the requisite number of the Municipal Members i.e. 1/5th of total elected members of Committee asking the President of Municipal Council, Zirakpur that a meeting be called to consider “no confidence motion” against the President.

6. After the said requisition was received by the President, on 03.07.2024 the President intimated the Executive Officer qua agenda for holding the meeting qua the requisition dated 28.06.2024 for 05.07.2024.

7. As the President was under an apprehension before conducting of meeting that he might be facing certain difficulties during the conduct of the said meeting hence, a writ petition was filed by him before this Court praying qua grant of effective measures so as to ensure that there is no untoward incident on the day when no confidence meeting is to be held on 05.07.2024 and that the Administration should be directed to look into the said aspect with a further prayer that no person who is not connected with conducting of the said no confidence meeting, should be allowed within 200 meters of place of the meeting.

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8. It may be noticed that the meeting which was to be conducted on 05.07.2024, the agenda of the said meeting was presented to all the concerned Members of the Municipal Council, Zirakpur as well as the Local MLAs of the area in question on 03.07.2024 so that all the concerned have the notice qua the meeting in question to be held on 05.07.2024 so that the same could be attended by all the concerned in order to find out that whether, the no confidence motion initiated by the Members against the President, is to be accepted or rejected.

9. On 05.07.2024, as per the Resolution which has been placed on record, out of the total 31 Counselors and 1 MLA, only 5 Counselors came in to attend the scheduled meeting which was fixed on 05.07.2024 at 03:15 P.M as per the agenda dated 03.07.2024 (Annexure P-5).

10. The dispute, which has now surfaced before us, starts from this date. The President along with four members conducted the said meeting and passed a Resolution that as the requisite number i.e. 2/3rd of the total Members/Counselors of Municipal Council, Zirakpur have not supported the Resolution of removing the President from office, which is the requisite for removal of President or Vice President, the same makes the said Resolution a failed one whereas, the remaining Members pleaded that as enough security was not provided so as to conduct the meeting smoothly and there was an apprehension qua the said meeting dated 05.07.2024, the said meeting consequently stood postponed.

11. In the meanwhile, when the said issue was pending that whether, the meeting dated 05.07.2024, is a valid meeting or not so as to reach to the conclusion that whether the “no confidence motion” initiated

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against the President is to be treated as failed or the said meeting is to be treated as adjourned, the Members conducted another meeting on 15.07.2024 and passed a Resolution of no confidence motion against President. The said Resolution was then sent to the appropriate Government for the necessary approval keeping in view the conditions stipulated in Section 22 of the Punjab Municipal Act, 1911.

12. In the meantime, the President filed the second petition before this Court raising the grievance that the meeting which was held on 15.07.2024 was without jurisdiction and that any decision taken in such meeting cannot bind the President and therefore, the said meeting and the Resolution passed therein be declared as null and void.

13. Keeping in view the two petitions filed by the President raising two pleas that the meeting held on on 05.07.2024 wherein the no confidence motion initiated against President had failed as the same was not approved due to the fact that 2/3rd of the members of the Municipal Council, Zirakpur did not support the same along with other grievance raised in another petition file by petitioner that the meeting dated 15.07.2024 and the Resolution passed therein by the Members is without jurisdiction. Keeping in view the grievance raised by petitioner in the petitions, the respondent-State as well as the Municipal Council, Zirakpur were asked to respond to the said prayer of the petitioner.

14. Upon reply, with regard to the meeting dated 05.07.2024, not only the Members but even the State came out with the reply that though, a meeting was called on 05.07.2024 for the purpose of considering no confidence motion against President but, keeping in view the fact that the

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required security arrangements could not be made within such a short span of time, the said meeting was not held and rather the same was adjourned. The other Members, who did not attend the said meeting also pleaded the same that no valid meeting took place on 05.07.2024 so as to hold that no confidence motion moved on 28.06.2024 stands rejected.

15. Further, another plea was also taken by Municipal Council, Zirakpur that the Resolution dated 05.07.2024 passed by the 5 Counselors has already been declared null and void by the Director Local Government Punjab, Chandigarh vide order dated 15.07.2024.

16. With regard to the meeting dated 15.07.2024, the State has submitted that the said meeting was called by the Executive Officer on the asking of Members of the Municipal Council, Zirakpur who had submitted the requisition dated 28.06.2024 and was attended by the required number of the Members and Resolution No.24 was passed pertaining to the “no confidence motion” moved on 28.06.2024 and that such meeting dated 15.07.2024 was validly convened and the said Resolution was passed, which Resolution was sent to the Government for appropriate decision keeping in view the provisions of Section 22 of the Punjab Municipal Act and the matter is still pending at that stage keeping in view the fact that before the decision could be taken by the Government upon meeting held on 15.07.2024, pertaining to Resolution passed qua “no confidence motion”, orders were passed by the Coordinate Bench of this Court appointing an Administrator to conduct the business of the Municipal Council, Zirakpur, which arrangement is functional even as of now.

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17. The question which arises for the determination before this Court is that whether, the Resolution passed by the five Municipal Counselors in the meeting held on 05.07.2024 in pursuance to the Resolution moved on 28.06.2024 qua initiating of the “no confidence motion” against the President has failed and the same is valid or whether, the meeting dated 05.07.2024 stood adjourned on account of security reasons and whether, the other meeting convened on 15.07.2024 by the Executive Officer, on the asking of the Municipal Counselors, who had moved the “no confidence motion” against the President on 28.06.2024 is a validly convened meeting or not or any Resolution passed therein to remove the President from his seat, has the sanctity of law or not.

18. We have heard learned senior counsel for the parties and have gone through the record with their able assistance.

19. At this stage, learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner is not pressing with regard to the Resolution passed in this meeting held on 05.07.2024 in pursuance to requisition dated 28.06.2024 though, he has full confidence that the Resolution passed in said meeting dated 05.07.2024 is a valid Resolution but he is not averse in case any such other meeting is directed to be held for concluding the no confidence motion initiated against President/petitioner in case the same is ordered by this Court. Therefore, the plea of the petitioner should only be adjudicated with regard to the validity of the meeting held on 15.07.2024 and the Resolution passed therein. Hence, the only question which is being dealt with in this judgment is that whether, the meeting dated 15.07.2024, which meeting had been summoned by the

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Executive Officer by making a request vide letter dated 12.07.2024 (Annexure P-15) on the asking of the Municipal Members is valid or not.

20. Before deciding the issue with regard to the validity of the meeting dated 15.07.2024, certain provisions of law need to be looked into as they are very relevant for the purpose of deciding the issue that has been raised before this Court.

21. The Punjab Municipal Act, 1911 deals with the conduct of such meetings as has been disputed in the present petitions. Section 25 of the Punjab Municipal Act, 1911 deals with the time of holding the meeting and Section 26 stipulates the details with regard to the ordinary and the special meeting. Sections 25 and 26 of the Punjab Municipal Act, 1911 read as under:

“25. Times of holding Meetings. - (1) Every committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the bye-laws.

(2) The President or, in the absence 1 [or during the vacancy of his office [or during his suspension under Section 22] a Vice-President may, whenever he thinks fit and shall on a requisition [specifying the purpose of the meeting made in writing] by not less than one fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

(3) If the President or the Vice-President, as the case may be, fails to call a meeting of the committee within a period of fourteen days from the date of receipt of requisition, the members who had signed the requisition may convene a meeting of the committee in accordance with the bye-laws of the committee within a period of thirty days of the making of such requisition and notwithstanding anything contained in



this Act such meeting shall be deemed to be a validity conveyed meeting :

Provided that no business other than that specified in the requisition shall be transacted in such meeting and the quorum for such a meeting shall be as provided for a special meeting under sub-section (1) of Section 27.

26. Ordinary and special meeting. - (1) Every meeting of committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless required by this Act or the rules to be transacted at a special meeting.

(3) When a special and an ordinary meeting are called for the same day the special meeting shall be held as soon as the necessary quorum is present.”

22. A bare perusal of Section 25 (2) of the Punjab Municipal Act, 1911 would show that the President or in his absence, the Vice President can call a meeting on a requisition moved in writing by not less than 1/5th of the members of the Committee to convene either an ordinary or a special meeting at any time. In case, the President or the Vice President, fails to call such meeting within a period of 14 days from the receipt of the requisition, the members, who have signed the requisition to convene a meeting can themselves convene the meeting of the Committee in accordance with the bye-laws within a period of 30 days from the date the requisition has been submitted.

23. A bare perusal of the Section 25 of the 1911 Act would show that the meeting is to be initially called by the President or the Vice President in case post of the President is vacant and the said meeting is to be fixed by the President or the Vice President (in case the post of the President is vacant) within a period of 14 days of the receipt of notice qua

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holding of such notice and in case a failure occurs at the hands of said authority adhere with the said time limit so as to hold the meeting, the requisitionists i.e. the Members can conduct the meeting on their own within a period of 30 days of the submission of the requisition.

24. When the said Section 25 of the 1911 Act is applied in the facts and circumstances of the present case, it should be noted that the requisition to hold a meeting was moved by the Members on 28.06.2024. The meeting in pursuance to the requisition made by Members could have been fixed by the President upto 12.07.2024. It is a conceded position that on 03.07.2024, the President exercised the said jurisdiction and fixed the meeting to be held on 05.07.2024. Once the said meeting was fixed by the President within the stipulated time, the requisite of calling the meeting as per the time frame stipulated in Section 25 of the 1911 Act was adhered to by the President.

25. The meeting dated 05.07.2024, though was held by the President but was treated as adjourned by the Members as well as by the administrative authorities on the ground of inadequate security measures, but the said issue is not being decided as the same is not being pressed by the President hence, the said meeting, is to be treated as having been adjourned for all intents and purposes.

26. The question which now arises for consideration is that who will be the authority to fix the fresh date of meeting in case the meeting dated 05.07.2024 is to be considered as adjourned/postponed. In this regard, Sections 25 of the Punjab Municipal Act, 1911 clearly goes to show that such a meeting can only be called either by the President or by the Vice President (in case the post of Vice President is vacant). There is no third

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authority assigned to call the meeting.

27. The meeting dated 15.07.2024 was never called by the President, which is a conceded fact before this Court. Rather, the meeting dated 15.07.2024 was called by the Executive Officer vide letter dated 12.07.2024 on the asking of the requisitionists/Members, who had served the Resolution dated 28.06.2024 for initiating the “no confidence motion” for removal of the President. That being so, it now becomes a concluded fact the meeting dated 15.07.2024 was not called by the competent authority. Once, the meeting dated 05.07.2024 stands postponed, then, in case of such postponement, the next meeting could have only been fixed by the President, which procedure was concededly not adopted hence, for all intents and purposes, the said meeting dated 15.07.2024 cannot be treated as a valid meeting summoned as per the Section 25 of the Punjab Municipal Act, 1911 hence, any Resolution passed on 15.07.2024 therein cannot be treated as a valid Resolution.

28. Further, learned State counsel was requested to assist the Court qua the aspect that whether, the Executive Officer, on the asking of the requisitionist/Members could have summoned the meeting dated 15.07.2024 keeping in view the provisions under Section 25 of the 1911 Act; learned State counsel as well as learned counsel for the Municipal Members conceded before this Court that no such power exists with the Executive Officer of the Municipal Council so as to call the meeting once the post of the President is already occupied and the President was available.

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29. Keeping in view the said conceded position before this Court, the meeting summoned by the Executive Officer which was held on 15.07.2024, cannot be treated as a valid meeting or a Resolution passed in such meeting also cannot be treated as a valid Resolution.

30. The argument has been raised by the learned Senior Counsel for the Municipal Members that the requisitionist/Members can convene the meeting within a period of 30 days of requisition, which has been done in present case, hence, the validity of meeting dated 15.07.2024 is not treated to be void. It may be noticed that the said argument is to be considered keeping in view Section 25 of the Punjab Municipal Act, 1911.

31. Though as per Section 25 of the Punjab Municipal Act, 1911, the requisitionist/Members has been given with a right to convene meeting within a period of 30 days of the serving the requisition but it shall be noted that the said right accrues with such requisitionist/Members only, in case the President does not fix the meeting within a period of 14 days of the receipt of the requisition. In the present case, it is a conceded position that the President upon receiving of the requisition dated 28.06.2024, fixed the meeting on 05.07.2024, which is within a period of 14 days of the requisition made, hence, once the meeting had already been fixed by the President for on 03.07.2024 to be held on 05.07.2024 within stipulated time period, which meeting dated 05.07.2024 was held to be postponed ,another meeting on same requisition, the postponed meeting too could have only been called by the President. It shall be noted that requisitionist/Members only have a power to convene the meeting in case the President fails to call the meeting within a period of 14 days of the requisition made whereas, the

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facts in the present case are otherwise, which are conceded by the respective parties and same have been duly reproduced hereinbefore. Hence, in the present case, the meeting which was held on 15.07.2024 which meeting was fixed by the Executive Officer which authority did not had the jurisdiction to call for meeting on his own, which fact has been conceded before this Court by the learned Senior Counsel for the Municipal Council, Zirakpur, the said meeting dated 15.07.2024 was convened without jurisdiction as the same was not convened by the competent authority and the same was conducted in violation of the Section 25 of the Punjab Municipal Act, 1911 and hence, the said meeting is to be treated as null and void for all intents and purposes, including any Resolution passed in such meeting.

32. The question which now arises is that whether, the requisition dated 28.06.2024, which requisition was made for the purpose of initiating no confidence motion against president still needs to be dwelled into or not.

33. Once, in a democratic set-up, a requisition has been moved by the required Member for the purpose of raising no confidence motion against the President, the same has to be respected and the proceedings in pursuance to the said requisition has to be held so that the Municipal Council, Zirakpur is able to work in a democratic way as per the provisions of the Punjab Municipal Act, 1911.

34. Keeping in view the totality of the circumstances, as the requisition dated 28.06.2024 has to be brought to the logical ends, the meeting of the Municipal Council, Zirakpur has to be convened for the said purpose.

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35. At this stage, learned counsel for the parties submit that as there will never be an agreement amongst the parties qua holding of the said meeting in pursuance of the requisition made on 28.6.2024, let the date of meeting be fixed by this Court on behalf of the President i.e. petitioner herein so that no one has any grievance with regard to the aspect that whether the meeting is being fixed at date earlier or later than it should have been fixed on.

36. Keeping in view the liberty given by the learned Senior Counsel to this Court so as to fix a date for meeting qua Municipal Council, Zirakpur on behalf of all the parties, this Court decides that the meeting of the no confidence motion, in pursuance to the requisition dated 28.06.2024 will be held on 03.10.2025. Said proposal has been accepted by all the parties. The said meeting will be held in the office of the Municipal Council, Zirakpur at 2:00 P.M. The said meeting will be conducted in a free and fair manner and the proceedings of the meeting will be video-graphed. The Deputy Commissioner, SAS Nagar Mohali is entrusted with the task of ensuring that not only the said meeting is held in a free and fair manner but also that no one creates an atmosphere which leads to adjournment of said meeting.

37. As all the Municipal Counselors are before this Court and have a notice of the meeting dated 03.10.2025 but still, as by an abandoned caution, the Executive Officer, within a period of four days from today will serve a notice upon each of the member including the MLA concerned who are entitled to attend the meeting and vote, are apprised of the said meeting date i.e. 03.10.2025.

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38. An apprehension is also being raised by the parties that during the conducting of said meeting, some untoward incident might happen; in order to curb the said apprehension, an observer from this Court will also be appointed.

39. Mr. Gurpreet Singh, Advocate, who is sitting in the Court, is requested to be the observer of the said meeting and file a compliance report before this Court after the conduct of the said meeting. Mr. Gurpreet Singh, Advocate has accepted the request of the Court graciously.

40. As an observer is being appointed by this Court, a sum of Rs.1 lac will be paid to Mr. Gurpreet Singh, Advocate, which amount will be equally paid by the petitioners and Municipal Counselors, which proposal of appointing the observer as well as fee to be paid by him has been graciously accepted by the parties. The fee will be collected by the Executive Officer from the President as well as the other Members as directed hereinbefore to be paid by them as undertaken and be given to Mr. Gurpreet Singh, Advocate at the start of the meeting. The observer appointed by the Court is requested to file a compliance report.

41. With regard to CWP No.16047 of 2025, the said writ petition has been filed with a prayer that the election to the post of Vice President be held.

42. It may be noticed that as per the order passed by the Coordinate Bench, the Administrator was continuing to discharge the duties. After conducting the meeting dated 03.10.2025, in case the President survives the no confidence motion initiated against him, he will continue to hold the said office and President is directed to convene the meeting for election to the

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post of Vice President within a period of 30 days by following due process of law.

43. In case, the President is not able to survive the no confidence motion initiated against him in the meeting held on 03.10.2025; as per Section 22 of the Punjab Municipal Act, 1911, the President against whom the no confidence motion is passed, and same is to be notified by the Government and such a President is to be treated as suspended till notification, and in such situation the requirement of the Vice President to run the affairs of Municipal Council will increase and therefore, the Deputy Commissioner, SAS Nagar, Mohali under whose jurisdiction the Municipal Council, Zirakpur comes, will hold the election to the post of Vice President within a period of one month from the date of election i.e. 03.10.2025 as per law.

44. The present writ petitions are disposed of in above terms.

45. Civil miscellaneous application pending if any, also stands disposed of.

46. A photocopy of this order be placed on the file of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

September 23, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes