



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

107+244

**CM-475-CWP-2026 in/and
CWP-33147-2025 (O&M)
Decided on : 20.01.2026**

JATINDER PAL

...PETITIONER

Versus

STATE OF PUNJAB AND OTHERS

. . . RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

PRESENT: Mr.M.L.Saggar, Senior Advocate with
Mr. Armaan Saggar, Advocate and
Mr. Omesh Garg, Advocate for the petitioner.

Mr. Rahul Rampal, Additional Advocate General, Punjab.

Ms.Anu Chatrath, Senior Advocate with
Mr. Ratik Chatrath, Advocate
for the respondent No. 4-MC.

Mr. Vansh Chawla, Advocate
for respondent No. 5.

HARSIMRAN SINGH SETHI , J. (Oral)

CM-475-CWP-2026

The prayer in the present application filed is for placing on record the short reply by way of an affidavit of Rupinder Pal Singh, Additional Deputy Commissioner (Urban Development), Ludhiana, respondent No. 3.

Keeping in view the averments mentioned in the application, the same is allowed. Copy of the aforesaid reply is taken on record subject to all just exceptions.

CWP-33147-2025

1. In the present petition, the challenge is to the impugned order dated 24.10.2025 (Annexure P-15) passed by the Additional Chief Secretary,

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Government of Punjab removing the petitioner from the post of the President of the Municipal Council, Jagraon, District Ludhiana. The impugned order has been passed on the basis of the complaint where the allegations levelled against the petitioner that he is protecting the unauthorized constructions supporting the builders and is not allowing the staff to perform the duties of demolition of the unauthorized constructions despite the fact that due notice under Section 195 of the Punjab Municipal Act, 1911 has already been issued to the building owners, qua the violation in constructing the unauthorized building in question.

2. Upon enquiry, the building inspector, deposed before the authorities concerned that though a notice under Section 195 of the Punjab Municipal Act, 1911 (herein after referred to as '1911 Act') was given to the building owner on account of constructing building in violations of the Building Rules, but the petitioner i.e. President stopped her from taking any further action against the building owner against such illegal construction of building.

3. Learned Senior counsel for the petitioner submits that the said statement given by the building inspector before the authorities concerned is incorrect and could not have been relied upon by the authorities concerned so as to remove him from the post of the President on the ground that the petitioner/president had misused his position to restrain the officials of the Municipal Council from taking any action in pursuance to such notice being issued to the building owner qua constructions of the unauthorized building, being in violation of Building Rules.

4. Learned Senior counsel for the petitioner further submits that the said findings of the authorities concerned is incorrect as, the petitioner has



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never asked any building inspector not to proceed further in pursuance to the issuance of the notice under Section 195 of the 1911 Act.

5. Prima facie, what surfaces before this Court is that a disputed question of fact has arisen in the present petition as a particular and crucial fact that the petitioner/president has misused his position by directing the official of the municipal council to not to take further action qua the constructions of unauthorized building, hence, the said disputed question of facts cannot be decided in a writ petition keeping in view of the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No. 5074 of 1999, titled as Chairman Grid Corporation of Orissa Ltd. (GRIDCO) and others versus Smt. Sukamani Das and Another, Decided on 15.09.1999 wherein it has been held that the High Court should not go into disputed question of fact. The relevant paragraph of the said judgment is as under :-

“In view of the specific defences raised by the appellants in each of these cases they deserved an opportunity to prove that proper care and precautions were taken in maintaining the transmission lines and yet the wires had snapped because of circumstances beyond their control or unauthorised intervention of third parties or that the deceased had not died in the manner stated by the petitioner. These questions could not have been decided properly on the basis of affidavits only. It is the settled legal position that where disputed questions of facts are involved a petition under Article 226 of the Constitution is not a proper remedy. The High Court has not and could not have held that the disputes in these cases were raised for the sake of raising them and that there was no substance therein. The High Court should have directed the writ petitioners to approach the Civil Court as it was done in OJC No. 5229 of 1995. ”



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6. Further, even as per judgment passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2848 of 2021 titled as **Shubhas Jain Vs. Rajeshwari Shivam and others**, decided on 20.07.2021, once disputed question of facts have been raised, this Court will have no jurisdiction to decide the same. The relevant paragraph 26 of the said judgment is as under :-

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

7. Keeping in view the totality of the circumstances of the present case, the present petition is disposed of with liberty to the petitioner to avail appropriate remedy before the Civil Court so as to dwell into the question of fact that whether there was any direction given by the petitioner to the building inspector for not going ahead for taking required action against the building owner after issuance of the notice under Section 195 of the 1911 Act, qua the unauthorized constructions of building or not so as to prove or disprove the same.

8. It is made clear that this Court is not making any observation about the merit of the present case.

9. Further, it may be noticed that the tenure of the municipal Corporation is expiring within two weeks from now, hence, even otherwise, the term of the municipal president is coming to an end in approximately



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two weeks.

- 10. The present petition is disposed of in above terms.
- 11. Pending application(s), if any, stands disposed of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(VIKAS SURI)
JUDGE**

20.01.2026

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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No