

2025:PHHC:026491-DB



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

LPA-552-2025 (O&M)

Date of decision: 21.02.2025

MANJEET KAUR

.....Appellant

Versus

STATE OF HARYANA AND ORS.

.....Respondents

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

Present:- Mr. Pawan Attri, Advocate
for the appellant.

SUDHIR SINGH, J.

CM-1418-LPA-2025

For the reasons given in the application, the same is allowed. Delay of 63 days in filing the appeal is condoned, subject to all just exceptions.

LPA-552-2025

Challenge in the instant intra Court appeal is to the order dated 11.11.2024 passed by the learned Single Judge of this Court, whereby the writ petition filed by the appellant was dismissed.

2. Before the learned Single Judge, the appellants had laid challenge to the notices/letters dated 13.08.2024 and 28.10.2024 (Annexure P-3 and Annexure P-9 respectively).

3. The learned Single Judge, while dismissing the writ petition has found that the meeting convened vide notice Annexure P-3 for 'No Confidence Motion' was never held and, therefore, such motion against the appellant was neither put to the House nor it was considered or decided. It was also found that the appellant had failed to refer to any provision of the Panchayati Raj Act, 1994 or the rules made thereunder to show that in case a meeting is convened for considering the 'No Confidence Motion' then the same has to be necessarily held on the date fixed. The relevant extract from the order of the learned Single Judge would reads as under:-

“6. In the present case as well, it is not disputed by learned counsel for the petitioner that the earlier convened meeting vide notice (Annexure P-3) was never held, therefore, the 'No Confidence Motion' against the petitioner was neither put to the house nor it was considered or decided.

6.1 Learned counsel for the petitioner has failed to indicate any provision under the 1994 Act or the rules made thereunder that in case, a meeting is convened for considering the 'No Confidence Motion' then the same has to be necessarily held on the date fixed.

6.2 Since the earlier convened meeting for 29.08.2024 was never held and there was no consideration or decision on 'No Confidence

Motion’ , therefore, the petitioner cannot agitate her claim on the basis of the first proviso to Section 62(1) of the 1994 Act and neither, it can be held that the meeting convened vide letter/notice dated 28.10.2024 (Annexure P-9) for 12.11.2024 for considering the motion of ‘No Confidence Motion’ against the petitioner is illegal.

6.3 In view of the above discussion, I do not find any merit in the present writ petition and the same is accordingly, dismissed.”

4. Learned counsel appearing for the appellant has vehemently argued that while passing the impugned order, the learned Single Judge has misinterpreted the provisions of Section 63 of the Haryana Panchayati Raj Act, 1994 inasmuch as it has been the consistent stand of the appellant that respondents No.5 to 7 are no longer the members of the House and, therefore, the question of their membership was required to be decided by respondent No.2. It is further submitted that since respondents No.5 to 7 cease to have the membership of the House, they could not have moved the ‘No Confidence Motion’ . As has been found by the learned Single Judge, the meeting scheduled for 29.08.2024 was never convened. The appellant was not able to show as to how the subsequent meeting dated 12.11.2024 to consider the motion of ‘No Confidence Motion’ against her, was illegal. Even in the present appeal, the

learned counsel for the appellant is not able to point out any such illegality.

5. No other point has been urged.
6. In view of the above, findings no merit in the present appeal, the same is hereby dismissed.
7. Pending application(s), if any, shall stand disposed of.

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

21.02.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No