

2025:PHHC:013393-DB



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

CWP-2320-2025 (O&M)

Date of Decision: 29.01.2025

BIKRAM SINGH

.....Petitioner

Versus

STATE OF PUNJAB & ORS.

.....Respondents

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

Present:- Mr. M.S. Saini, Advocate with
Mr. K.S. Jhikka, Advocate for the petitioner.

Mr. Kuljit Singh, Addl. A.G., Punjab and
Mr. G.P.S. Bhullar, AAG, Punjab.

SUDHIR SINGH, J.

This is the second round of litigation as the petitioner alleges that the directions issued by this Court in the earlier writ petition i.e. CWP-2007-2025, disposed of 24.01.2025, were not complied with by the respondents.

2. The issue in the earlier writ petition as also in the present writ petition is in respect of the election to the posts of Mayor, Senior Deputy Mayor and Deputy Mayor of the Municipal Corporation, Phagwara.

3. This Court while disposing of the earlier writ petition vide order dated 24.01.2025, had issued the following directions:-

- “i) The respondents-authorities shall conduct the first meeting of the newly elected Councillors on the scheduled date and time i.e. 25.01.2025 at 04:00 p.m. as indicated in the notice dated 22.01.2025.
- ii) Respondents-authorities shall ensure that the scheduled meeting is held under the supervision of the Competent Authority and the proceedings of the meetings are conducted in a free and fair manner.
- iii) The members coming forward to participate and vote in the said meeting, shall be provided adequate security so that no untoward incident takes place in the meeting.
- iv) The Senior Superintendent of Police, Kapurthala, shall ensure that adequate security is provided at the place of meeting and to the members participating in the meeting and shall also ensure that no ruckus takes place in or around the premises of the place of meeting, prior to, during or after the aforesaid meeting.
- v) The entire proceedings of the aforesaid meeting, shall be videographed by the Official Respondents.”

4. It is a very unfortunate situation, where despite clear and categorical directions of this Court, the respondent-authorities instead of complying with the directions of this Court, has given rise to the instant second round of litigation.

5. The learned State counsel, who are present in Court on service of advance notice, in order to justify the inaction on the part of the respondent-authorities, submit that though the meeting as scheduled on 25.01.2025 at 4:00 P.M. was conducted, yet the election could not take place due to ruckus in the House. Ms. Navneet Kaur Bal, Commissioner, Municipal Corporation, Phagwara District Kapurthala, who is present in Court, has re-iterated the aforesaid stand of the learned State counsel.

6. Be that as it may, the fact remains that when this Court had issued clear directions to the respondent-authorities to conduct the election in question on the scheduled date and time as per the notice dated 22.01.2025 issued by the Commissioner, Municipal Corporation, Phagwara, the respondents cannot be heard saying that the election could not be conducted due to ruckus in the meeting. When this Court had specifically directed the respondent-authorities to do the needful, such an excuse is not acceptable. Even if it is taken that there was a ruckus, then also the respondent-State was possessed of sufficient men and machinery to conduct the election and the stand taken by them is nothing, but an attempt to wriggle out of their duties and responsibilities. The conduct of the respondent-authorities is contemptuous in nature and they are required to be proceeded against accordingly.

7. However, at this stage, learned State counsel submits that a fresh notice has been issued on 28.01.2025 by the Divisional Commissioner, Jalandhar, fixing the date of meeting of the Municipal Corporation, Phagwara on 01.02.2025 at 04:00 P.M. for the purposes of oath taking ceremony, and election to the posts of Mayor, Deputy Mayor and Senior Deputy Mayor, of the Corporation.

8. Today, Ms. Navneet Kaur Bal, Commissioner Municipal Corporation, Phagwara has filed an affidavit dated 29.01.2025, deposing therein that the election in question will be conducted as per the fresh notice issued by the Divisional Commissioner, Jalandhar, and that it shall be conducted in a free and fair manner. The relevant contents of the said affidavit are as under:-

“2. That this Hon’ble Court in CWP No.2007 of 2025 titled as Bikram Singh vs. State of Punjab and others had passed the directions in para no.6 of its order while disposing of the Writ petition on 24.01.2025.

3. That the election of the post of Mayor, Senior Deputy Mayor and Deputy Mayor is to be conducted by Divisional Commissioner, Jalandhar as per law and same will be held on 01.02.2025 in terms of the notice of the ld. Divisional Commissioner, Jalandhar.

4. That deponent in the whole election/s is having the role of issuance of notices to the Councilors for the election meeting and the deponent undertakes that same would be taken in a fair and transparent manner. Apart from it, deponent further undertakes that videography of the meeting as directed by the Hon’ble High Court will be complied with.”

9. When after hearing the rival contentions of the parties and taking into consideration the totality of the facts and circumstances, this Court was going to proceed against the erring authorities, the parties have come up with a mutual agreement that the election on the scheduled date and time be got conducted under the supervision of an independent observer and for this purpose, they have proposed the name of Hon’ble Mr. Justice Harbans Lal, former Judge of this Court, who is stated to be residing in the close vicinity i.e Nawanshar. They have also submitted that Hon’ble Mr. Justice Harbans Lal (Retd.), has given his consent for appointment as an independent observer.

10. In view of the mutually agreed stand of the parties and following the recent order dated 27.01.2025 passed by the Hon'ble Supreme Court in SLP(Civil) Diary No.4190/2025 titled as Kuldeep Kumar Vs. U.T. Chandigarh, this Court appoints Hon'ble Mr. Justice Harbans Lal, former Judge of this Court (currently resident of Village Barnala Kalan, Mahala Colony, Nawanshahr, Chandigarh Road, Nawanshahr), as an independent observer for the purposes of the election in question. This Court, thus, at this stage, deems it appropriate to dispose of the present writ petition with the following directions:-

- i) The respondents-authorities shall conduct the meeting of the newly elected Councillors on the scheduled date and time i.e. 01.02.2025 at 04:00 p.m. as indicated in the notice dated 28.01.2025.
- ii) The election to the posts of Mayor, Senior Deputy Mayor and Deputy Mayor, shall be conducted in the physical presence and under the supervision learned independent observer.
- iii) The Returning Officer is directed to contact the independent observer and coordinate with him well before the scheduled date of election.
- iv) The learned observer shall be paid an honorarium of Rs.1,00,000/- by the Municipal Corporation, Phagwara.
- v) Respondents-authorities shall ensure that the proceedings of the meetings are conducted in a free and fair manner.

vi) The members coming forward to participate and vote in the said meeting, shall be provided adequate security so that no untoward incident takes place in the meeting.

vii) The Senior Superintendent of Police, Kapurthala, shall ensure that adequate security is provided at the place of meeting and to the members participating in the meeting and shall also ensure that no ruckus takes place in or around the premises of the place of meeting, prior to, during or after the aforesaid meeting.

viii) The entire proceedings of the aforesaid meeting, shall be videographed by the Official Respondents.

ix) The respondent-authorities shall be bound by the undertaking given by the Commissioner, Municipal Corporation, Phagwara in her affidavit dated 29.01.2025 filed before this Court.

11. Let a copy of this order, under the signatures of the Reader to the Bench, be handed over to the learned State Counsel, forthwith, for onward communication to and necessary compliance by the concerned Authorities/Officers.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

29.01.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No