
(2003) 11 P&H CK 0098
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 5948 of 1999

Dharam Singh Aulakh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 14-11-2003

Acts Referred:

Punjab Municipal Act, 1911 — Section 13(1)

Citation : (2004) 137 PLR 175

Hon'ble Judges : S.S. Saron, J

Bench : Single Bench

Advocate : None, for the Appellant; J.P. Bhat, A.A.G. for Respondent Nos. 1 and 2, for the Respondent

Final Decision : Dismissed

Judgement

S.S. Saron, J.—In this petition under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of the order/notification dated 1.4.1999 (Annexure P13) issued by the State Government in the Department of Local Government, Punjab Chandigarh, whereby the petitioner was removed from the office of President, Municipal Council, Ferozepur City, in terms of the provisions of Section 22 of the Punjab Municipal Act, 1911 (Act for short) on the ground that he appeared to be guilty of misuse/abuse of powers and forfeited his right to continue. However, no case was found to have been made out for disqualifying the petitioner from contesting elections for a period of five years. Applicability of this count was, therefore, dropped.

2. While issuing notice of motion on 7.5.1999, a Division Bench of this Court had stayed order dated 1.4.1999 (Annexure P13). The petition was admitted on 5.12.2000.

3. After hearing Shri J.P.Bhatt, learned Assistant Advocate General Punjab, appearing for respondents No. 1 and 2, I am of the view that this petition has been rendered infructuous for the reason that the term of the Municipal Council

Ferozepur has expired. The petitioner was elected as President of the Municipal Corporation, Ferozepur on 9.4.1998 and after taking over as President, the first meeting of the Municipal Corporation, Ferozepur, was held on 15.5.1998 (Annexure P1). The duration of the municipalities in terms of Section 13(1) of the Act is five years from the date appointed for its first meeting and no longer. Section 13(1) of the Act, reads as under;-

"13(1) Duration of Municipalities. Every Municipality save as otherwise provided in this Act, shall continue for five years from the date, appointed for its first meeting and no longer.

Explanation;- In this section "first meeting" means the meeting of the newly constituted Municipality held for election of its President and Vice-President u/s 20 of this Act."

4. As already noticed, the first meeting of the Municipal Council, Ferozepur as per the petitioner's own case was held on 15.5.1998 and, therefore, the period of five years has expired from the said date.

5. In the circumstances, the writ petition is dismissed as having become infructuous.