
(1999) 03 P&H CK 0006
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 11082 of 1998

Raj Kumar Gupta

APPELLANT

Vs

The State of Punjab and Others

RESPONDENT

Date of Decision : 30-03-1999

Acts Referred:

Punjab Municipal Corporation Act, 1976 — Section 55

Citation : (1999) 122 PLR 447 : (1999) 4 RCR(Civil) 310

Hon'ble Judges : G.C. Garg, J

Bench : Single Bench

Advocate : Ramesh Kumar, for O.P. Hoshiarpuri, for the Appellant; A.R. Takkar, for Respondent No. 2, M.L. Sarin and Himani Sarin, for Respondent No. 3, S.K. Bishnoi and V.G. Dogra, for the Respondent

Judgement

G.C. Garg, J.—Petitioner, Municipal Councillor, Municipal Corporation, Jalandhar seeks issuance of a writ of Mandamus directing the respondents to convene the meetings of the elected body of the Municipal Corporation, Jalandhar every month in view of the Provisions as contained in Section 55 of the Punjab Municipal Corporation Act, 1976.

2. Respondents have filed written statements bringing out that meetings of the Municipal Corporation are being held from time to time keeping in view the business required to be transacted in such meetings. Some of the meetings had to be adjourned after passing condolence resolutions. It was also brought out that meetings had to be adjourned on some occasions because of the commotion created by the petitioner.

3. Mr. Sarin, learned Senior counsel appearing for the Corporation has also brought out that meetings of the Municipal Corporation were also held on 26.11.1998, 2.12.1998, 14.12.1998, 23.12.1998, 29.1.1999, 24.3.1999 and the meeting is also going on today. He further pointed out that on three occasions, meetings were postponed after passing condolence resolutions, whereas business was transacted on 14.12.1998 and 23.12,1998. The meeting fixed for

29.1.1999 was adjourned to 24.3.1999. It was again adjourned to today for consideration of budget. Mr. Sarin has also shown today in Court record of the meetings and the agenda issued for the various meetings. Mr. Sarin, by reference to Annexure R3/1 has further pointed out that meetings of the Corporation were being held from time to time.

4. Section 55 of the Punjab Municipal Corporation Act provides that the Corporation shall ordinarily held at least one meeting in every month for the transaction of business. Sub-section (2) provides that the Mayor or in his absence the Deputy Mayor shall upon a requisition in writing call a special meeting of the Corporation.

5. We have heard learned counsel for the parties. Mr. Sarin, learned counsel for the Corporation submits that it is not necessary to call a meeting of the Corporation every month. The only direction as contained in Section 55 is that "ordinarily" a meeting of the Corporation shall be called every month and it is not mandatory to call a meeting every month. The case of the petitioner, on the other hand, is that it is enjoined upon the Mayor to call a meeting of the Corporation every month.

6. A perusal of the record shows that during the period June, 1997 to March, 1999, various meetings were called for transacting the business of the Corporation, but on about 10 occasions, no business could be transacted as the meetings had been post-poned/adjourned after passing a condolence resolution, whereas on other occasions, business was transacted and various decisions taken. The record further shows that on some occasions, a large number of items were passed. On one occasion, 288 items were passed, whereas on another occasion, 76 items were passed. Similarly, on some other occasions a large number of items were passed. This shows that there was enough business which was to be transacted in the meetings of the Corporation, however, it could not be done because the meetings were adjourned after passing condolence resolution. In the situation, it would be more fit and appropriate if meetings of the Corporation are called more frequently keeping in view the business to be transacted by the Corporation. However, it is not necessary to go into the question raised in this writ petition as to whether the meeting of the Corporation is required to be held every month in view of the fact that meetings are being convened and business is being transacted. The point raised in this petition is left open for decision in an appropriate case.

7. In view of the above, this writ petition stands disposed of with the above observations.