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**(2007) 09 P&H CK 0001**

**In the Punjab And Haryana At Chandigarh**

**Case No : Civil Writ Petition No. 15877 of 2005**

Shimla Rani and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

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**Date of Decision : 17-09-2007**

**Acts Referred:**

**Citation : (2008) 3 RCR(Civil) 138**

**Hon'ble Judges : Jasbir Singh, J and Nirmal Yadav, J**

**Advocate :** Shri S.P. Jain, Sr. Advocate with Mr. R.B.S. Chahal, Shri Dheeraj Jain and Shri Manpreet Singh Longia, Advocates. Shri Rupinder S. Kohsla, Addl. Advocate General, Punjab, Shri Ashok Aggarwal, Sr. Advocate with Shri J.S. Sidhu, Advocate. For the Respondent Nos. 2 and 3, Shri Akshay Bhan and Shri Vineet Soni, Advocates., Advocates for appearing Parties

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## **Judgement**

Jasbir Singh, J.—Petitioners, who are seven in number, are members of Nagar Panchayat Khanauri. They, along with respondent No. 4 and

five others, were elected as such on 18.9.2005.

2. Respondent No. 2 the District Development and Panchayat Officer, issued a notice on 26.9.2005 (Annexure P8), calling meeting of the newly

elected members of Nagar Panchayat Khanauri on 30.9.2005 at 11.00 A.M., in the office of Nagar Panchayat, to administer oath to them and

also to elect President and VicePresident. In the above said meeting, oath was administered, to the members, thereafter, nominations were called

for the post of the President, petitioner No. 3, along with respondent No. 4 were the candidates. As per rules, in case of contest, voting is by show

of hands. All the 13 members were present. It is case of the petitioners, that one Naresh Kumar abstained from voting and only five members cast

their votes in favour of respondent Nos. 4 and seven in favour of petitioner No.

3. Respondent No. 2 did not record the proceedings in a fair

manner, but under political pressure, declared respondent No. 4 as President of Nagar Panchayat Khanauri. On asking of respondent No. 2, the petitioners were not allowed to leave the office till he finished other formalities. Thereafter, he left the office in a huff. Respondent No. 4 openly declared that he has the entire administration in his pocket as he was being favoured by the then Chief Minister of the State of Punjab. The petitioners then rushed to this Court and filed the present writ petition on 1.10.2005, wherein they prayed for issuance of writ of prohibition, restraining respondent No. 1 from notifying election of respondent No. 4 as President of Nagar Panchayat Khanauri, in pursuance of election alleged to have been conducted on 30.9.2005, the same being illegal. It was further prayed that petitioner No. 3 be declared as elected President of Nagar Panchayat Khanauri. In the alternative, it was prayed that the directions be issued to hold election afresh, in the presence of an Observer to be appointed by this Court.

3. This writ petition came up for hearing before this Court on 3.10.2005. By noting following contention of counsel for the petitioners, notice of motion was issued to the respondents, who were further directed not to notify election of respondent No. 4 as President of Nagar Panchayat Khanauri :

The petitioners have attached the affidavits Annexures P9 to P15, in which they have deposed that they voted in favour of petitioner No. 3, but under political pressure respondent No. 3 has declared respondent No. 4 as having been elected as President of Nagar Panchayat Khanauri, District Sangrur. A notification to this effect is likely to be issued by the State of Punjab shortly. He further submits that against the aforesaid declaration, the petitioners have no other remedy under the Punjab Municipal Act. On completion of service and after getting response of the respondents, to the averments made in the writ petition, it was dismissed on 28.11.2005, by passing the following order :

Having heard the learned counsel for the parties at length, we are of the considered opinion that the writ petition involves disputed questions of fact which cannot be adjudicated whilst exercising writ jurisdiction under Articles 226/227 of the Constitution of India. The petitioners are at liberty to seek appropriate remedy in accordance with law.

Dismissed.

4. The petitioners went to the Hon''ble Supreme Court and their appeal bearing No. 3153 of 2006 was disposed of vide order dated 25.7.2006.

Relevant portion of the order reads thus :

In view of the above, we set aside the impugned order and remit the writ petition to the High Court for its fresh decision.

Mr. Uday U. Lalit, learned senior counsel appearing for respondent No. 4, sought to contend that the appropriate remedy is an Election Petition.

We direct that all pleas, factual and legal, would be open to the parties to be agitated before the High Court and there cannot be any manner of doubt that the pleas would be decided in accordance with the law and the constitutional provisions.

It is how, this writ petition has come up for hearing before us.

5. Before we could hear arguments on merits, a preliminary objection was raised by Shri Ashok Aggarwal, Senior Advocate, appearing for

respondent No. 4 that in an election dispute, the writ petition is not competent, as a specific remedy, to file an election petition, is available to the

petitioners as per provisions of the Punjab State Election Commission Act, 1994. To strengthen his argument, he has referred to the provisions of

Article 243R(2)(b), 243G, 243S, 243ZG(b) of the Constitution of India. He argued that if one reads above said provisions along with the

provisions of Sections 74, 76 and 87 of the 1994 Act, it becomes apparent that against election, to the post of President of a Nagar Panchayat,

only an election petition is competent. To support his claim, he has placed reliance upon unreported judgment of the Hon''ble Supreme Court in

Ashok Kumar v. Sudesh Kumar Aggarwal, Civil Appeal No. 7054 of 2001, decided on 23.10.2002 and has prayed that the writ petition be

dismissed.

6. Shri S.P. Jain, Senior Advocate refuted the arguments raised by counsel for respondent No. 4. By making reference to Articles 243R, 243ZA

of the Constitution of India, he argued that Part IXA of the Constitution, which was added vide 74th amendment in the Constitution, w.e.f.

1.6.1993, talks only with regard to election of members of the Nagar Panchayat/ Municipalities. No mention has been made with regard to election

of the office bearers of the above said institutions. He further argued that even

the provisions of Article 243ZG(b) deals with only elections to the Nagar Panchayat/Municipality and not its office bearers. This provision further provides that election petition shall be presented to such authority and in such manner as may be provided by or under any law made by the State Legislature. He argued that after 74th amendment, various amendments were made in the provisions of Punjab Municipal Act, 1911 (in short, the 1911 Act), to bring the law in consonance with Part IXA of the Constitution. The Punjab Municipal Election Rules, 1952 were repealed and new rules, known as the Punjab Municipal Election Rules, 1994, were made applicable w.e.f. 4.10.1994. However, separate rules were prepared for election to the post of President and VicePresident in a Nagar Panchayat/Municipality, known as the Punjab Municipal (President and Vice President) Election Rules, 1994 (in short, the 1994 Election Rules). By making reference to above said provisions, he argued that in Part IXA, there is no mention of election of the officebearers of the Nagar Panchayats/Municipalities. Further that in the Municipal Election Rules, 1994, a specific provision has been made to file an election petition. However, in the rules, meant to regulate conduct of election of the officebearers, separate rules were prepared and in those rules, there is no provision to file an election petition, in case there is any election dispute. To strengthen his argument, he has also made reference to the provisions of the Punjab Panchayat Election Rules, 1994, wherein composite provision has been made to lay challenge to the election of members to the Panchayats (which includes Panchayat Samiti and Zila Parishad) Punjab and also its office bearers.

7. State counsel has also supported the arguments raised by Shri S.P. Jain to the extent that in case of any dispute, with regard to election of office bearers of Nagar Panchayats/Municipalities, remedy of election petition is not available and a writ before this Court, can be filed in case of dispute. To the contrary, Shri Akshay Bhan, Advocate for respondent No. 3, has supported the argument that remedy of writ petition is not available in this case.

8. Before we proceed further to give any finding on the controversy raised, it is necessary to look into the relevant provisions of the Constitution of India, the Punjab Municipal Act and Rules framed thereunder and also some

provisions of the Punjab Panchayati Raj Act and the Rules framed thereunder. With a view to give more powers to the institutions of self governance at the grass root levels, vide 74th amendment in the Constitution of India, Part IXA was added w.e.f. 1.6.1993. With a view to harmonise functioning of institutions of self governance like Nagar Panchayats and Gram Panchayats etc., with the provisions of the Constitution, the State of Punjab incorporated the Punjab State Election Commission Act, 1994 (in short, the Election Commission Act), effected amendment in the 1911 Act, framed new rules for conduct of elections, framed Punjab Municipal Election Rules, 1994 and separate Rules for election of the VicePresident and President known as the Punjab Municipal (President and VicePresident) Election Rules, 1994 and in the same manner, promulgated the Punjab Panchayati Raj Act, 1994 and also Punjab Panchayat Election Rules, 1994.

9. Part IXA of the Constitution deals with the municipalities, their compensation, constitution of wards, duration of the municipalities, disqualification etc. for membership and also election and election disputes. Article 243R reads thus :

243R. Composition of Municipalities.

(1) Save as provided in clause (2), all the seats in a Municipality shall be filled by persons chosen by direct election from the territorial

constituencies in the Municipal area and for this purpose each Municipal area shall be divided into territorial constituencies to be known as wards.

(2) The Legislature of State may, by law, provide

(a) For the representation in a Municipality of

(i) Persons having special knowledge or experience in Municipal Administration;

(ii) The members of the House of the People and the members of the Legislative Assembly of the State representing constituencies which

compromise wholly or partly the Municipal area;

(iii) The members of the Council of States and the members of the Legislative Council of the State registered as electors within the Municipal area;

(iv) The Chairpersons of the Committees constituted under clause (5) of article 243 :

Provided that the persons referred to in paragraph (i) shall not have the right to

vote in the meetings of the Municipality;

(b) The manner of election of the Chairperson of a Municipality.

10. Article 243ZA deals with the elections to the municipalities, which reads thus :

243ZA. Elections to the Municipalities.

(1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be

vested in the State Election Commission referred to in Article 243K.

(2) Subject to the provisions of this Constitution, the Legislature of a State may, by law, make provision with respect to all matters relating to or in

connection with, elections to the Municipalities.

11. Article 243ZG imposes a bar on the Courts in interfere in the election matters, which reads thus:

243ZG. Bar to interference by Courts in electoral matters.

Notwithstanding anything in this Constitution,

(a) The validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be

made under Article 243ZA shall not be called in question in any court;

(b) No election to any Municipality shall be called in question except by an election petition presented to such authority and in such manner as is

provided for by or under any law made by the Legislature of a State.]

12. Article 243S envisages constitution and composition of wards and committees within the territorial area of municipalities.

13. Section 20 of the 1911 Act deals with the election of President and Vice President of a Nagar Panchayat/Municipality. The provisions read

thus :

20. Election of President and VicePresident.

(1) Every Municipality shall, from time to time, elect one of its members to be its President, and the member so elected shall, on being notified by

the State Government, shall become President of the Municipality.

(2) Every Municipality may also, from time to time, elect one or two of its members to be VicePresident or VicePresidents and when two

VicePresidents are elected on the same date, the Municipality shall declare which of them shall be deemed to be the senior.

(3) Notwithstanding anything contained in this section, an ex officio member shall not be eligible for election as President or VicePresident of the Municipality.

14. As per admitted position before us, definition of word `election" has not been given in Part IXA of the Constitution and also in the provisions

of the Election Commission Act. The word `election" has been defined in Section 3(4)(c) of 1911 Act, which reads thus :

election"" means and includes the entire election process commencing on and from the date of notification calling for such election of members and

ending with the date of declaration and notification of results thereof.

1516. The above said word `election" has also been defined in Section 2(d) of the Municipal Election Rules, 1994, which reads thus :

Election"" means the election of a member of a Municipality from an area delimited as a constituency for the purpose of election to that

Municipality.

Separate definition of this word has been given, so far as 1994 Election Rules with regard to officebearers of the Nagar Panchayat/Municipality are

concerned. Section 2(b) reads thus :

election"" means election of a President and VicePresident of a Municipality.

Rule 4 of the 1994 Election Rules provides that voting for the offices of President and Vice President or VicePresidents as the case may be shall

be by show of hands and further that person presiding over the meeting convened under Rule 3 shall keep a brief record in writing of the

proceedings. Rule 5 provides procedure of conduct of election.

17. The word `election" has also been defined in the Punjab Panchayat Election Rules, 1994 as under :

Election"" means election of a Panch, Sarpanch of a Gram Panchayat, member of Panchayat Samiti, Zila Parishad whether by direct election or out

of the representative of Sarpanches of Chairman or ViceChairman of the Panchayat Samiti or Zila Parishad, as the case may be.

18. The relevant provisions of the State Election Commission Act, 1994, which needs consideration reads thus :

Section 74. Election petitions. No election shall be called in question except by an election petition presented in accordance with the provisions of

this Chapter.

Section 76. Presentation of petition. (1) An election petition may be presented on one or more of the grounds specified in subsection (1) of

Section 89 to the Election Tribunal by any candidate to such election or by any elector within a period of forty five days from the date of election

of the returned candidate or if there are more than one returned candidates at the election and there are different dates of their election, then the

later of these dates shall be taken into account for this purpose.

(2) Every election petition shall be accompanied by as many copies thereof, as there are respondents mentioned in the petition and every such

copy shall be attested by the petitioner under his own signatures to be a true copy of the petition.

19. Now we will analyse above said provisions, to know, as to whether remedy of election petition is available to the petitioners with regard to an

election dispute in connection with election to the post of President of a Nagar Panchayat/Municipality. In Part IXA of the Constitution, Article

243R(2)(b) envisages that the State Legislature may by law provide the manner of election of Chairperson of a Municipality. Article 243ZA

envisages that superintendence, direction and control of the preparation of electoral rolls for and conduct of all elections to the municipalities shall

vest in the State Election Commission as referred to in Article 243K of the Constitution.

20. Article 243ZG prohibits the Courts from interfering in electoral matters. Clause (b) envisages that no election to the municipalities shall be

called in question except by an election petition presented to such authority and in such manner as is provided by or under any law made by

legislature of a State.

21. Conjoint reading of above said three provisions, clearly demonstrates that it was left to the State legislature to frame necessary rules with

regard to the manner of election of the Chairperson of the municipalities. Articles 243ZA and 243ZG talk of election to the municipalities and not

its office bearers. It appears that it was left open to the State legislature to frame necessary rules in case there exists any dispute with regard to

election of the officebearers of the Nagar Panchayats/Municipalities. In tune with the provisions of Part IXA of the Constitution, amendments were

effected in 1911 Act, the Punjab Municipal Election Rules, 1952 were repealed and new rules known as the Punjab Municipal Election Rules,

1994 were incorporated. In those rules, Section 2(d) defines word 'election'. It pertains to members of the municipalities and not to its

officebearers. Separate rules were carved out so far as election to the post of President and VicePresident of the Nagar Panchayat/Municipalities

is concerned. In those rules, different meaning has been given to the word 'election'. Similarly, the State of Punjab formulated consolidated rules

for election to the post of members of the Gram Panchayats, its Sarpanches, Members and office bearers of Panchayat Samitis and Zila Parishads.

No distinction was made so far as members of these bodies and officebearers are concerned. Section 74 of the Election Commission Act, 1994

lays down that no election shall be called in question except by an election petition. Section 76 of the abovesaid Act depicts procedure to file an

election petition. When we read the provisions of Constitution, 1911 Act, the Punjab Municipal Election Rules and 1994 Election Rules and also

the Punjab Panchayati Raj Act and the Election Rules framed thereunder together, it becomes apparent that the bar created under Section 74,

pertains only to the election of the members of the Nagar Panchayat/Municipality and not to its office bearers. The legislature has drawn a

distinction while drafting the separate rules for the election of President and VicePresident and it never envisages filing of an election petition in case

any dispute arises with regard to election of above said posts.

22. Above said distinction becomes apparent when we read Part V of the Punjab Municipal Election Rules, 1994. This part deals with the filing of

the election petition and the procedure to be adopted thereunder. No such provision has been incorporated in the 1994 Election Rules meant for

the officebearers of the Nagar Panchayats/Municipalities. Once, the legislature has chosen not to provide remedy of election petition in case of

dispute with regard to the election of officebearers, the only remedy available is by way of writ petition under Article 226/227 of the Constitution

of India.

23. The State counsel has also admitted before us that the writ petition is competent in case of any dispute with regard to election of the

officebearers of the Nagar Panchayats and the Municipalities. The reliance of Shri

Aggarwal, on the ratio of the judgment of the Hon''ble Supreme Court in Ashok Kumar's case (supra), is of no help to him. When that judgment was passed, distinction in the provisions of the Punjab Municipal Election Rules, 1994 and the Punjab Election Rules, 1994 (for officebearers) was not brought to the notice of the Hon''ble Court. Discussions made in earlier part of the judgment, clearly shows that the provisions of Section 74 of the 1994 Act, are not attracted in case of election of the officebearers of Nagar Panchayats/Municipalities.

24. Articles 243ZG of the Constitution of India also left it open to the State Legislature to frame rules with regard to filing of an election petition, before a competent authority and the manner in presenting that petition. In the case of election of the officebearers of the Nagar

Panchayats/Municipalities such a procedure was not provided, which stands in contra distinction to the provisions made in the Punjab Municipal

Election Rules, 1994, wherein remedy of an election petition has been provided to lay challenge to the election of a member of the Nagar

Panchayat/ Municipality. In 1994 Election Rules, to elect officebearers, voting is by show of hands. Procedure was very simple, may be due to that

the legislature may have thought that there may not be any dispute so far as elections of the President and Vice President are concerned. Situation

like the one in the present case, may not have been visualised at the time when above said rules were framed, otherwise, there was no necessity, to

frame separate rules, with regard to election of members of the municipalities and its officebearers.

25. In view of facts mentioned above, we feel that the writ petition is the only remedy available in case of any election dispute with regard to the

post of President and Vice President of a Nagar Panchayat/Municipality. Accordingly, contention to the contrary, raised by counsel for respondent

No. 4 stands rejected.

Now, we will decide controversy in this case so far as merits are concerned.

26. Counsel for the petitioners has vehemently argued that the proceedings recorded, at the time of alleged election, were farce and a fraud with

the Statute. Seven members have supported cause of petitioner No. 3, whereas only five cast their votes in favour of respondent No. 4. One

member abstained from voting. Despite that the Presiding Officer, in a very

arbitrary manner, declared respondent No. 4 as an elected President of the Nagar Panchayat Khanauri. He further stated that, as respondent No. 4 was openly claiming support of the then Chief Minister, the petitioners reasonably presumed that they would not get any justice from the Executive Authorities and in view of that they rushed to this Court on the date of election itself and filed the writ petition, the next day. He prayed that this writ petition be allowed, election in question, be set aside and petitioner No. 3 be declared as elected President of the Nagar Panchayat Khanauri.

27. Prayer made has vehemently been opposed by counsel for the respondents. It was stated that the election was validly conducted. Seven members cast their votes in favour of respondent No. 4, including petitioner No. 7 Karamvir Singh and also Naresh Kumar, who alleged to have been abstained from voting. As the majority of the members were with respondent No. 4, he was rightly declared elected President of the Nagar Panchayat, Khanauri. It was further alleged that after completion of election, the petitioners, except Karamvir Singh, felt frustrated, won over Karamvir Singh to their side, by alluring him and filed this writ petition with a view to remove respondent No. 4 from the post of President. It was averred by respondent No. 4 that huge amount was paid to Karamvir Singh petitioner No. 7 to change the side. To show that Naresh Kumar has cast his vote, reliance has been placed upon his affidavit dated 24.8.2006, which was put on record after this writ petition was remanded to this Court by the Hon"ble Supreme Court.

28. State counsel has also argued that the election was rightly conducted by the Presiding Officer and prayed that this writ petition be dismissed having no substance.

29. It is apparent from the records that after election of the members of the Nagar Panchayat, as per 1994 Election Rules, the Presiding Officerrespondent No. 3, by issuing a notice, fixed meeting on 30.9.2005, to administer oath to the members and to elect the President and VicePresident of the Nagar Panchayat. On that date, the following proceedings were recorded by the Presiding Officer (Annexure R2/2) :

Resolution

Item No. 1 : Today dated 30.9.2005, regarding to get oath to the newly elected candidates out of the successful candidates in the election of

Nagar Panchayat Khanauri.

Today dated 30.9.2005 Sh. Kuldip Singh, District Development and Panchayat Officer as Convener has got the Oath to the newly elected

members to the effect that they will keep their consent to the Constitution of India and keep the integrity of India. They will do their duty with sincerity.

Item No. 2 : Regarding consideration of election of President and Vice President.

For the post of President Sh. Ishwar Chand member has purposed the name of Sh. Girdhari Lal Garg and seconded by Seema Rani Member. Sh.

Satvir Singh member has proposed the name of Sh. Satgur Singh for the post of President, the same has been seconded by Sh. Prem Chand

Member. Besides it, no other name has been proposed for the post of President. Convener has asked the members who are present to raise their

hands in favour of Sh. Girdhari Lal for the post of President. Seven members have given their vote in favour of Girdhari Lal. Six members have

given their vote in favour of Sh. Satgur Singh. In this way because the majority in favour of Sh. Girdhari Lal, Sh. Girdhari Lal is hereby declared

elected for the post of President. Election for the post of Vice President no name has been proposed.

30. A reading of the contents of Annexure R2/2 indicates that all the 13 members were present. Names of petitioner No. 3 and respondent No. 4

were proposed for the post of President. The Presiding Officer noted that seven members have favoured respondent No. 4 and six were in favour

of petitioner No. 3 and accordingly, declared respondent No. 4 as elected President of the Nagar Panchayat. The voting was by show of hands.

We feel that to maintain fairness (though it is not provided in the rules), it was incumbent for the Presiding Officer to name the members who have

voted in favour of the elected and the defeated candidate, to get their signatures on the proceedings. Contention of the petitioners, that petitioner

No. 3 was supported by seven members, appears to be correct. The meeting was fixed to elect President and also the VicePresident. Contention

of the petitioners that when result was wrongly declared, there was a commotion and due to that nomination was not called for the post of

VicePresident, appears to be correct. Otherwise, there was no reason to not elect the VicePresident on the date fixed. The petitioners are seven in

number. Immediately, after declaration of the result, they rushed to this Court, engaged a counsel, their writ petition was prepared and filed in this

Court on 1.10.2005. It is case of respondent No. 4 that after election, petitioner No. 7 was won over by petitioner No. 3 after paying him huge

amount. Such like exercise is possible before election and not thereafter. Petitioner No. 3 was not to gain anything, except litigation, by winning

over petitioner No. 7 after paying him huge amount of money. We feel that the plea taken by respondent No. 4 is not plausible and deserves

rejection. All the seven petitioners, who are in majority, got their affidavits attested on 1.10.2005, stating that they have favoured petitioner No. 3

at the time of election. After notice, respondent No. 4 filed his reply but he failed to bring on record the affidavit of Naresh Kumar, to show that he

has not abstained at the time of voting, as alleged by the petitioners. The writ petition was dismissed, the petitioners went to the Hon'ble Supreme

Court and when the matter was remanded, only thereafter, affidavit of Naresh Kumar was brought on record, to show that at the time of voting, he

has favoured respondent No. 4. We feel that during the intervening period, said Naresh Kumar might have been won over by respondent No. 4.

This writ petition was filed not only by petitioner No. 3, the defeated candidate, but by the seven members of the Nagar Panchayat. After dismissal

of their writ petition, they went to the Hon'ble Supreme Court. The manner, in which, they are agitating their claim, it appears that their contention

that election of the President was rigged, appears to be justified and correct.

31. Under similar circumstances, their Lordships of the Hon'ble Supreme Court in *Jayrajbhai Jayantibhai Patel v. Anilbhai Jayantibhai Patel* and

others, JT 2006(12) SC 34, set aside election of officebearers of the Municipal Council, in view of averment that before polling two members,

who were supporting the defeated group, were arrested by the police at the instance of the opposite group and were released when election was

over. It was held that the detention of the municipal councilors was made with the sole objective of preventing them from voting at the time of

election. Position is same in the present case. If everything was going smooth, it was expected from respondent No. 3 to conduct election for the

post of Vice President also, which he failed to do, for which, no reasons have been given. In view of that, we feel that election of respondent No. 4

to the post of President of Nagar Panchayat Khanauri was not as per law and is liable to be set aside. Prayer of the petitioners, that petitioner No.

3 be declared elected as President also does not find favour with us. Under similar circumstances, their Lordships of the Supreme Court in

Jayrajbhai Jayantibhai Patel's case (supra), while dealing with a similar contention, did not declare the defeated candidate as elected.

32. Furthermore, before initiation of arguments, counsel for the petitioners has very fairly stated that they will be satisfied if after setting aside

election, fresh election is ordered. In view of that and also on account of a fact that post of the President is an elected post, let he/she be elected in

a proper manner. We are sure that if all the petitioners remain together, their candidate is bound to be elected as President at the time of election.

In view of facts mentioned above, we allow this writ petition, set aside election of respondent No. 4 to the post of President, Nagar Panchayat,

Khanauri and order fresh election for the said post. Directions are given to the Deputy Commissioner, Sangrur to fix a meeting, for fresh election of

President after issuing notice in that regard. The Deputy Commissioner is directed to remain present at the time of election. Needful be done within

four weeks after receipt of certified copy of this order. No order as to costs.