

(2014) 12 P&H CK 0074
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 26796 of 2004

Sukhwinder Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 24-12-2014

Acts Referred:

Constitution of India, 1950 — Article 226 243-T
Punjab Municipal Act, 1911 — Section 240(1)(b)

Citation : (2015) 178 PLR 586

Hon'ble Judges : Satish Kumar Mittal, J;Deepak Sibal, J

Bench : Division Bench

Advocate : Tushar Sharma, Advocate for the Appellant;

Final Decision : Dismissed

Judgement

Satish Kumar Mittal, J.

1. The petitioner, who is one of the residents of Ward No. 26, Municipal Council, Barnala, has filed this petition challenging the notification dated 09.12.2014 (Annexure P-5) issued by the Government of Punjab, Department of Local Bodies, issued under Section 240(1)(b) of the Punjab Municipal Act, 1911 and Rule 9 of the Delimitation of Wards of Municipalities Rules, 1972, reserving Ward No. 26 for women in the coming municipal elections. It is the grouse of the petitioner that in the preliminary notification dated 16.10.2014 (Annexure P-3), ward No. 10 was proposed to be reserved for women, but after hearing the objections and issuing the final notification, ward No. 26 has been reserved for women. Learned counsel argued that the petitioner wants to contest the elections from ward No. 26 and since after the wardbandi, it is the first election, therefore, as per the new delimitation, one third seats should have been reserved for women from wards No. 1, 4, 7, 10, 13, 16, 19, 22, 25, 28 and 31.

2. After hearing learned counsel for the petitioner, we do not find any force in the aforesaid contention. As per the constitutional mandate as contained in Article

243-T of the Constitution of India and Rule 4(4) of the Determination of the number of Elected Members and Reservation of Offices of Presidents of Municipal Rules, 1994, one third seats of a municipality are to be reserved for women. Undisputedly, in the present case, the total seats reserved for women do not exceed one-third of the total seats of Municipal Council, Barnala. Now, the short question is "which wards should be reserved for women?" The Constitution of India and the Punjab Municipal Act, 1911 do not provide any mandatory requirement in this regard. The authorities after considering the objections made by the residents of the area have to take a decision in this regard. Issuance of a notification in this regard cannot be questioned at the behest of one person challenging the reservation of wards for women. Once such a decision is taken, we do not find any ground to take up this issue in the writ jurisdiction under Article 226 of the Constitution of India, particularly when the elections to the Municipalities in Punjab are going to be held in the month of February, 2015, as the State Government in a connected writ petition (CWP No. 19982 of 2014, titled as Court on its own motion v. State of Punjab, decided on 17.12.2014) has given an undertaking that elections to the Municipalities in Punjab will be held in the month of February, 2015. Therefore, at this stage, we are not inclined to entertain this petition at the behest of one person, who as per his averment in the petition has started residing in the ward for the last two/three years and raised this question.

No merit. Dismissed.