IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112 **CWP-19523-2026**
Date of Decision :26.06.2026

Jagrup Singh and others **...Petitioners**

Versus

State of Punjab and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MRS. JUSTICE RAMESH KUMARI

Present: Mr. Yajur Sharma, Advocate for the petitioner.

Mr. Vikas Arora, DAG, Pujnab.

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Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed with a prayer that the elections to the Municipal Council Dinanagar, District Gurdaspur has been conducted on 13.06.2026 and in the said elections, out of total 15 wards, the petitioners have been able to be elected in 8 wards and the sitting MLA of Dinanagar, District Gurdaspur, who is also the member of the Municipal Council Dinanagar, District Gurdaspur is supporting the petitioners and is also entitled to vote when the elections to the post of President and Vice President are to be held.

2. Learned counsel for the petitioners further submits that as per the Punjab Municipal (President and Vice President) Election Rules, 1994 (herein after referred to as '1994 Rules'), the Deputy Commissioner Gurdaspur is to fix the 1st meeting for administering the oath to the newly elected councillors and to elect the President and Vice President. Learned counsel for the petitioners submits that though, out of total 15 members of the Municipal Council Dinanagar, District Gurdaspur, the petitioners have the majority and they also have the support of the local MLA, they can elect President and Vice President of their own choice but it is apprehended that either the petitioners will not be allowed to take oath so as to

participate in the meeting of elections to the post of President and Vice President or they will be prevented on one or other pretext so as to vitiate the election process. Learned counsel for the petitioners further submits that the petitioners be allowed to take oath in the 1st meeting to be called by the Deputy Commissioner, Gurdaspur and also to participate in the meeting for electing the President and Vice President of the Municipal Council Dinanagar.

3. Learned counsel for the petitioners submits that the similar issue had also come up for consideration before this Court when the Chairman and Vice Chairman of Panchayat Samiti were to be elected, and this Court while passing order dated ***18.03.2026 in CWP-8201-2026 titled as Sukhwinder Kaur vs. State of Punjab and others and other connected petitions*** directed the State that all the elected members will be allowed to attend the meeting and no one will be restrained from participating in any manner and even if any councillor is arrested or detained, such councillor will also be allowed to attend the meeting for election to the post of Chairman and Vice Chairman of Panchayat Samiti so that the elections could be held in a fair and free manner.

4. Notice of motion.

5. Mr. Vikas Arora, DAG, Punjab accepts notice on behalf of respondent-State and submits that it is the duty of the State to ensure free and fair elections to the post of President and Vice President of the Municipal Council Dinanagar, District Gurdaspur and the apprehension of the petitioners that they will be restrained or will not be allowed to participate in the meeting is only their imagination.

6. Learned State counsel submits that he has no objection in case the order passed by this Court in the case of ***Sukhwinder Kaur (supra)*** is allowed to operate even qua the 1st meeting to be held of newly elected councillors of the Municipal Council Dinanagar, District Gurdaspur as well as qua the election to the

post of President and Vice President. Learned State counsel further submits that in case, the petitioners are ready to bear the cost of the videography, the said meeting will be videographed by the Deputy Commissioner, Gurdaspur.

7. Learned counsel for the petitioners further submits that the petitioners are ready to bear the cost of videography of the said 1st meeting of administering the oath and to elect the President and Vice President of the Municipal Council, Dinanagar.

8. We have heard learned counsel for the parties and have gone through the record with their able assistance.

9. It may be noticed that once, the State is before us to ensure smooth and fair elections to the post of President and Vice President in the 1st meeting of the Municipal Council Dinanagar, District Gurdaspur wherein oath to the newly elected councillors is to be administered, there is no reason to doubt the same. Further, it has already been already conceded by the State that the 1st meeting of the councillors of Municipal Council Dinanagar, District Gurdaspur wherein the oath to the newly elected Municipal councillors is to be administered and thereafter, election to the post of President and Vice President is to be undertaken, the same will be videographed and the videography will be in such a manner that there will be clarity as to how many Municipal councillors are administered oath and also as to how many Municipal councillors voted in favour of which candidate by raising of their hand, which is a process to be adopted for election to the post of President and Vice President.

10. Further, in case, any of the Municipal councillor is under preventive detention or arrest on the date of 1st meeting of Municipal Council Dinanaga, such Municipal councillor will be allowed to participate in the said meeting so as to take oath in the 1st meeting by the authority concerned under whom he/she has been detained on the date fixed by the Deputy Commissioner concerned and

he/she will also be allowed to participate in the election process for the post of President and Vice President. The said process will be undertaken qua such detained/arrested councillor, if any, under the supervision and control of such authority, who has detained him/her.

11. Further, all the directions issued by this Court in the case of ***Sukhwinder Kaur (supra)*** will also be made applicable upon the 1st meeting of the Municipal Council Dinanagar as undertaken by the learned State counsel.

12. Keeping in view the above, present petition is disposed of with the directions as given hereibefore and with the further direction to the Deputy Commissioner Gurdaspur to hold 1st meeting of the Municipal councillors as per 1994 Rules within a period of 10 days from the date of receipt of copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

(RAMESH KUMARI)
JUDGE

June 26, 2026
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Whether speaking/reasoned : Yes
Whether reportable : No