

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).26468-26469/2024

(Arising out of impugned final judgment and order dated 14-10-2024 in CWP-(PIL) No.142/2024 14-10-2024 in CWP-(PIL) No.1/2024 passed by the High Court Of Punjab & Haryana At Chandigarh)

THE STATE OF PUNJAB & ORS.

Petitioner(s)

VERSUS

BEANT KUMAR & ANR.

Respondent(s)

(IA No.255726/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.255724/2024-EXEMPTION FROM FILING O.T. and IA No.255732/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-11-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Gurminder Singh, Adv. General
Mr. Narendar Hooda, Sr. Adv.
Mr. Vivek Jain, DAG
Mr. Karan Sharma, AOR
Mr. Mohit Siwash, Adv.
Mr. Rajat Jain, Adv.
Mr. Sadiq Noor, Adv.
Mr. Abhishek Budhiraja, Adv.

For Respondent(s) Mr. Bhasham Kingar, Adv.
Mr. Ravi Kumar Tomar, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. We have heard Dr. Abhishek Manu Singhvi, learned senior counsel, along with learned Advocate General for the State of Punjab and Mr. Narendar Hooda, learned senior counsel on behalf of the petitioner(s), at a considerable length and perused the record.
2. In our considered view, the Division Bench of the High Court

has correctly understood the mandate contained in Articles 243E and 243U of the Constitution of India along with the interpretation of these provisions as explained by this Court in (i) Kishan Singh Tomar vs. Municipal Corporation of CPF, Ahmedabad, (2006) 8 SCC 352; and (ii) Suresh Mahajan vs. State of Madhya Pradesh & Anr., (2022) 12 SCC 770. The effect of these two decisions is that the proposal to undertake fresh delimitation is not a valid ground to defer the elections of the Municipalities/Nagar Panchayats if the prescribed term of five years has already expired.

3. It goes without saying that the Constitutional Scheme mandates that the election process must commence six months before the expiry of the term of five years contemplated under Articles 243E(1) and 243U(1) of the Constitution of India. The High Court, in Paragraph 1.3, has taken note of the fact that out of 47 Municipal Corporations and Municipalities, the terms of some of such bodies expired way back in the year 2020, and in any case, the term of all other bodies had expired by March, 2023, except three Municipalities which are newly constituted.

4. That being so, the justification assigned by the petitioner-State for deferring the elections on the ground that a fresh exercise of delimitation is required to be undertaken, is legally untenable.

5. We, thus, find no legal error in the directions issued by the High Court that the election programmes in respect of all the Municipal Corporations, Municipalities and Nagar Panchayats be notified in a time-bound manner.

6. Faced with this, Dr. Abhishek Manu Singhvi and learned

Advocate General of Punjab submits that some reasonable time may be given to the State to commence the election process.

7. Taking into consideration all the attending circumstances, we direct the State Election Commission, Punjab and the State of Punjab to commence the election process within two weeks and complete the same within eight weeks thereafter. No further extension shall be granted.

8. In view of the time extended by us, the petitioners shall be at liberty to apprise the High Court of the same and may accordingly seek deferment of the contempt proceedings.

9. The special leave petitions are disposed of in above terms.

10. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR