

2025:PHHC:010154-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-1344-2025 (O&M)

Date of Decision: 23.01.2025

Smt. Bhagrathi

.....Petitioner

Versus

State of Haryana and others

.Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MS. SUKHVINDER KAUR**

Present:- Mr. S.K. Tripathi, Advocate, for the petitioner.

Mr. Samarth Sagar, Addl. AG, Haryana.

SUDHIR SINGH, J.

The petitioner seeks issuance of a writ in the nature of Certiorari quashing the notice dated 14.01.2025 (Annexure P.7) issued by respondent No.3-Additonal Deputy Commissioner, Faridabad, whereby the petitioner and the other Panchayat Members, have been called for 24.01.2025 for bringing the 'No Confidence Motion' against the petitioner.

2. Learned counsel for the petitioner contends that the meeting fixed for 'No Confidence Motion' on 13.01.2025 was postponed to 24.01.2025 and such action on the part of the respondents has given rise to the chances of a horse trading. It is further submitted that the aforesaid meeting was required to be conducted on 13.01.2025 itself pursuant to the directions issued by a

Coordinate Bench of this Court in its order dated 10.01.2025 passed in CWP-370-2025.

3. In the earlier writ petition also, a similar prayer was made by the petitioner, wherein apprehensions of horse trading were raised by her and for the said reason, the earlier notice was also challenged. However, the learned counsel for the petitioner chose to withdraw the said writ petition, but the Coordinate Bench had issued the following directions in its order dated 10.01.2025:-

“1 and 2. xx xx xx

3. However, on the date scheduled for convening of the meeting, the Officer concerned is directed to supervise the said convening meeting and not to take leave or remain absent on the said date.”

From the order passed by the Coordinate Bench of this Court, it is clear that the aforesaid directions were issued by the Coordinate Bench, without interfering in the process of No Confidence Motion, challenged by the petitioner.

4. On 22.01.2025, when the matter came up for hearing before this Court, a response was sought from the respondent-State as regards the non convening of the meeting on the date fixed i.e. 13.01.2025. The said order reads as under:-

“The challenge in the present writ petition is to the impugned notice dated 14.01.2025 (Annexure P7) issued by respondent No.3, whereby the petitioner along with all the Panchayat Members, has been called

on 24.01.2025 for bringing the 'No Confidence Motion' against the petitioner.

Learned counsel for the petitioner has vehemently argued that vide order dated 10.01.2025 passed in CWP-370-2025 by Co-ordinate Bench of this Court, the officer concerned was directed to supervise the convening of the said meeting and not to take leave or remain absent on the said date. It is further argued that despite the directions of this Hon'ble Court, the concerned officer did not convene the meeting and rather, proceeded on leave and now the meeting is notified for 24.01.2025.

Learned counsel for the State is directed to file an affidavit assigning the reasons as to why the meeting could not take place on the date fixed.

Learned counsel for the petitioner has further prayed that adequate security be provided to the Members of the Panchayat Samiti as he apprehends a horse trading to take place.

In the said circumstance, the Commissioner of Police, Faridabad shall take all necessary steps to ensure that no untoward incident takes place, especially like horse trading, during the meeting and provide adequate security to the Members for the purpose of attending the meeting.

Adjourned to 23.01.2025.”

5. In compliance with the aforesaid directions, the learned State counsel has filed show cause by way of affidavit dated

22.01.2025 of respondent No.3- Additional Deputy Commissioner, Faridabad. The relevant extracts from the said affidavit read as under:-

“3. That the deponent was on leave on 13.01.2025 due to medical conditions. Copy of Medical Certificate is attached herewith as Annexure R.1. That the leave application was duly marked by the competent authority i.e. Chief Administrator, HSVP, Panchkula (Annexure R.2).”

6. It may be noticed that this is the second round of litigation, again challenging notice for convening the No Confidence Motion. From the given facts of the case, it appears that the petitioner, for one reason or the other, wants to avoid the meeting for the No Confidence Motion. From the show cause filed by the respondents, which is supported by the medical certificate (Annexure R.1), issued by the concerned Doctor at Civil Hospital, Faridabad, this Court is satisfied that respondent No.3 had proceeded on leave on 13.01.2025 due to being unwell. We, thus, find no reason to postpone the date fixed for the No Confidence Motion fixed on 24.01.2025.

7. In view of the above, the present writ petition is disposed of with the following directions:-

- i) The respondents-authorities shall conduct the meeting for No Confidence Motion on the scheduled date and time i.e. 24.01.2025 at 11 a.m. as indicated in the notice 14.01.2025 (Annexure P.7).

ii) Respondent No.3-Addl. Deputy Commissioner, Faridabad, shall ensure that the scheduled meeting is held under the supervision of the Competent Authority.

iii) The members coming forward to participate and vote in the No Confidence Motion, shall be provided adequate security so that no untoward incident takes place in the meeting.

iv) The Commissioner of Police, Faridabad, shall ensure that adequate security is provided at the place of meeting and to the members participating in the meeting and shall also ensure that no ruckus takes place in or around the premises of the place of meeting, prior to, during or after the No Confidence Motion.

v) The entire proceedings of the meeting of No Confidence Motion, shall be videographed by the Official Respondents.

8. Let a copy of this order, under the signatures of the Bench Secretary, be handed over to the learned State Counsel, forthwith, for onward communications to and necessary compliance by the concerned Authorities/Officers.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

23.01.2025
ds/himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No