



2025:PHHC:151682-DB



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

**110**

**CWP-32647-2025**

**Date of Decision: 04.11.2025**

**Ashwani Gupta**

**....Petitioner**

**Versus**

**State of Punjab and others**

**....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

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**Present:** Mr. Nikhil Ghai, Advocate for  
for the petitioner.

Mr. Rahul Rampal, Additional Advocate General, Punjab  
for respondents No.1 and 3.

Mr. Balram Singh, Advocate  
for respondent No.2 – M.C.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, the challenge is to the impugned order dated 17/21.10.2025 (Annexure P-25) passed by the Additional Chief Secretary, Government of Punjab, Department of Local Government by which, the petitioner has been removed from the post of President, Nagar Council, Samana under Section 22 of the Punjab Municipal Act, 1911 (for short 'the 1911 Act').

2. The learned counsel appearing on behalf of the petitioner submits that a cryptic order has been passed by the Government without even



-: 2 :-

considering the objection raised that the meeting, where the alleged no confidence motion has been passed against the petitioner was convened in contravention of Sections 25 and 26 of the 1911 Act, and any resolution passed in an illegally convened meeting cannot be accepted, has not been considered by the authorities while accepting the resolution dated 15.02.2025 (Annexure P-14). Learned counsel for the petitioner submits that as per Section 25 of the 1911 Act, even in cases whereby, there is a requisition moved for no confidence by the requisite number of Councillors, the President is to fix the meeting for considering such requisition within a period of 14 days of the receipt of the same and in case no such meeting is fixed by the President, then only two Councillors can hold the meeting to discuss the requisition but, even before expiry of the said period of 14 days, the Councillor in the present case of their own held the meeting which cannot be treated as a valid meeting. Hence, the order dated 17/21.10.2025 (Annexure P-25) passed by the Additional Chief Secretary, Government of Punjab, Department of Local Government, is liable to be set aside.

3. Notice of motion.

4. Mr. Rahul Rampal, Additional Advocate General, Punjab, accepts notice on behalf of respondents No.1 and 3, whereas Mr. Balram Singh, Advocate accepts notice on behalf of respondent No.2 – M.C.

5. The learned counsel appearing on behalf of the State submits that though, an order has been passed by the Additional Chief Secretary, Government of Punjab, Department of Local Government removing the President, however, the reason cited was that the reply filed by the President to the show cause notice was thoroughly examined.



-: 3 :-

6. Learned counsels for the respondents submit that facts are not in dispute qua the holding of the meeting and also qua the requisition served by the councillor hence, the order may kindly be passed on the basis of the facts already on record as there is no need for filing a reply.

7. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

8. Once, the petitioner has raised the grievance with regard to the validity of the meeting held on 15.02.2025 (Annexure P-14) and keeping in view the provisions of Section 25 of the 1911 Act, the State was required to consider the said objection and give due reasoning in case the said objection was to be overruled. A bare perusal of the order dated 17/21.10.2025 (Annexure P-25) passed by the Additional Chief Secretary, Government of Punjab, Department of Local Government would show that the said objection has not even being considered and dealt with much less giving a due reasoning for overruling such objection raised at the hands of the petitioner.

9. Keeping in view the totality, as the order dated 17/21.10.2025 (Annexure P-25) passed by the Additional Chief Secretary, Government of Punjab, Department of Local Government is totally cryptic and non-speaking, the same is set aside and the case is remanded back to the State to pass a fresh order regarding the factum that whether a resolution passed in the meeting, on the basis of which, the petitioner is sought to be removed, was a valid meeting held as per the provisions of the 1911 Act, or not, and then only to decide whether the resolution of no confidence motion passed in such meeting was in accordance with law.

10. Disposed of accordingly.



-: 4 :-

11. Pending applications, if any, also stand disposed of.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**November 04, 2025**  
*Varinder*

**(VIKAS SURI)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : No