
(2010) 12 P&H CK 0491

High Court Of Punjab And Haryana At Chandigarh

Case No: C.W.P. No. 19787 of 2010

Sukhwinder Kaur

APPELLANT

Vs

State of Punjab and
others

RESPONDENT

Date of Decision: Dec. 14, 2010

Acts Referred:

- General Clauses Act, 1897 - Section 9
- Punjab Panchayati Raj Act, 1994 - Section 19(2)

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Final Decision: Allowed

Judgement

Alok Singh, J.

Reply on behalf of respondents No. 1 to 4 filed In Court today is taken on record.

2. Undisputedly, notice u/s 19(2) of the Punjab Panchayati Raj Act to convene a meeting to discuss and take decision on the no confidence motion was issued on 10.9.2010.

3. As per the respondents, notice was served on the petitioner on 11.9.2010 by affixation.

4. Undisputedly, meeting was held on 17.9.2010 to discuss and take decision on the no confidence motion.

5. As per the dictum of the Division Bench of this Court in the matter of Mohinder Singh v. State of Punjab and others, 2006 (1) PLR 290 seven days" clear notice is required to be given u/s 19(2) of the Act and first day and the last day of the notice must be excluded to calculate seven days" clear period in view of Section 9 of the General Clauses Act.

6. In CWP No. 18361 of 2010 titled Sukhchain Singh v. State of Punjab and others", decided on 13.12.2010, this Court has held as under :

In the opinion of this Court, 7 days clear period should be counted not from the date of notice but from the date notice is served on the members/panches after excluding the date of service of notice. After the date of service of notice, there should be 7 days clear period in between the service of notice and the day of convening the meeting.

7. In view of the above, present petition is allowed. Impugned resolution is quashed. However, liberty is granted to the respondents to convene fresh meeting, if they so desire, in accordance with law.