

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SSPECIAL LEAVE PETITION (CIVIL) Diary No(s). 4190/2025

[Arising out of impugned judgment and order dated 20-01-2025 in CWP No. 1258/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

KULDEEP KUMAR

Petitioner(s)

VERSUS

U.T. CHANDIGARH THROUGH SECRETARY & ORS.

Respondent(s)

(IA NO. 23204/2025 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER

IA NO. 23206/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 27-01-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :

Mr. Gurminder Singh, Sr. Adv.

Mr. Vivek Jain, Adv.

Mr. Karan Sharma, AOR

Mr. Ferry Sofat, Adv.

Mr. Mohd Irshad, Adv.

Mr. Rajat Bhardwaj, Adv.

Mr. Mohit Siwach, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. Permission to file Special Leave Petition without certified/plain copy of impugned order is granted.

2. The issue pertains to the election to the posts of Mayor and Deputy Mayor of Chandigarh Municipal Corporation, which is scheduled to be held on 30.01.2025. The petitioner, who is the

current Mayor, approached the High Court seeking a direction to defer the election till 20.02.2025 on the premise that he will complete his actual tenure on that date. That prayer has been declined by the High Court.

3. On the previous date of hearing, we heard learned senior counsel for the petitioner and declined to interfere with the view taken by the High Court. However, notice was issued for the limited purpose of appointing an independent observer to ensure that the election is conducted in a fair and free manner on the scheduled date. We may clarify in this regard that this Court had no doubt at all on the objectivity, independence, or fairness of the authorities. However, the proposal to appoint an independent observer was mooted having regard to the apprehension expressed by the petitioner.

4. In this regard, Mr. Tushar Mehta, learned Solicitor General of India representing the Municipal Corporation fairly states that they have no objection if an independent observer is appointed by this Court.

5. In light of the mutually agreeable stand taken by both sides, we deem it appropriate to appoint Ms. Justice Jaishree Thakur, former Judge of Punjab & Haryana High Court as the independent observer. The election proceedings shall be conducted in the physical presence of the learned observer. The election proceedings will be duly videographed.

6. The Returning Officer is directed to contact the learned independent observer and coordinate with the Hon'ble Former Judge well before the scheduled date of election.

7. The learned observer shall be paid an honorarium of Rs. One Lakh which shall be paid by the Union Territory Administration of Chandigarh within one week. All the necessary security arrangements shall also be made.

8. The Special Leave Petition stands disposed of in the above terms.

9. Pending application(s), if any, shall stand disposed of.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR