

Seema vs. State Election Commission

CWP No. 9291/2026

08.06.2026

Present: Mr. Ankush Dass Sood, Sr. Advocate with Mr. Nand Lal Thakur, Mr. Ajay Sipahiya & Mr. Tarun Mehta, Advocates, for the petitioners.

Mr. Neeraj Sharma, Advocate, vice Mr. Surinder K. Sharma, Advocate, for respondent No.1.

Mr. Santosh Dogra, Dy. A.G. for respondents No. 2 to 5.

CWP No. 9291/2026 & CMP No. 13598/2026

Notice. Mr. Neeraj Sharma, Advocate, vice Mr. Surinder K. Sharma, Advocate and Ms. Santosh Dogra, Deputy Advocate General, appear and waive service of notice on behalf of the respective respondents. Issue separate dasti notice to respondents No. 6 to 9 returnable before the next date of hearing, on taking steps during the course of the day. Reply, as prayed for, be filed within a week positively by the appearing respondents.

2 The instant petition has been filed by the petitioners for grant of following substantive reliefs:

- i. issue a writ in the nature of certiorari, quashing and setting aside the clarification dated 13.07.2023 issued by the Urban Development Department/Directorate of Urban Development, H.P. (Annexure P-1), being ultra vires the Constitution, the H.P. Municipal Act, 1994, and the H.P. Municipal Election Rules, 2015;*
- ii. issue a writ in the nature of certiorari, quashing and setting aside the election proceedings dated 04.06.2026 relating to the elections to the offices of President and Vice-President of Municipal Council Chamba, District Chamba, H.P. (Annexure P-8);*

- iii. *issue a writ in the nature of certiorari, quashing and setting aside the impugned results dated 04.06.2026, the statutory election returns prepared in Form-49 under Rule 90(5) of the Himachal Pradesh Municipal Election Rules, 2015, [Annexure P-9 (Colly.)] and all consequential proceedings whereby Respondent No. 8 has been declared elected as President and Respondent No. 9 has been declared elected as Vice-President of Municipal Council Chamba;*
- iv. *issue a writ in the nature of certiorari, quashing and setting aside any Gazette notification notifying the election of Respondent No.8 as President Respondent No.9 as Vice-President of Municipal Council, Chamba, consequential order, assumption-of-office proceeding issued or undertaken pursuant to the impugned election results, if already issued or undertaken during the pendency of the petition;*
- v. *issue a writ in the nature of mandamus, directing Respondent Nos. 1 to 6 to conduct fresh elections to the offices of President and Vice-President of Municipal Council Chamba strictly in accordance with Section 22 of the Himachal Pradesh Municipal Act, 1994, Rules 2(d), 88, 89, 90 and 91 of the Himachal Pradesh Municipal Election Rules, 2015, and the judicial directions contained in the common order dated 04.06.2026 passed by this Hon'ble Court;*
- vi. *issue a writ in the nature of mandamus, directing Respondent Nos. 1 to 6 that the fresh elections be conducted exclusively through the eleven directly elected ward members of Municipal Council Chamba, without permitting Respondent No. 7 being an ex-officio Member of the Legislative Assembly to cast a vote in the said process*

3 It has been averred in the instant writ petition that the petitioners are elected members of the Municipal

Council, Chamba. Petitioner No.1 contested election to the office of President, whereas petitioner No.2 contested election to the office of Vice President in the Municipal Council, Chamba, election conducted on 04.06.2026.

4 It is contended by Mr. Ankush Dass Sood, learned Senior Advocate, assisted by Mr. Ajay Sipahiya, Advocate, that the petitioners have approached this Court primarily on the ground that in the election to the respective offices of President and Vice President of Municipal Council, Chamba, Member of Legislative Assembly (MLA), has cast his vote, which is contrary to the provisions of the Constitution of India and H.P. Municipal Election Rules, 2015.

5 Learned Senior Counsel for the petitioners have drawn attention of this Court to an interim order, dated 04.06.2026, as passed by this Court in batch of petitions, lead being **CWP No. 8679/2026, titled as Vandana Kumari & ors. vs. State of H.P. & ors.**, wherein the Hon'ble Division Bench of this Court has held as under:-

37. From the above referred provisions of MC Act, 1994, and Election Rules, 2015, we are of the opinion that, prima facie, a case is made out in favour of the petitioners for granting interim protection as allowing the Ex officio Members to cast vote to the election of President and Vice President of the Municipalities would amount to breach of provisions of Rules 2(d), 88, 89, 90, 91, 92 of Election Rules as well as Sections 22 and 25 of the MC Act, 1994.

38-40 xxx xxx xxx

41. Therefore, respondents are directed to conclude the election of President and Vice President of the Municipalities in Himachal Pradesh by permitting the elected Members to elect President and Vice President according to their wish and majority opinion mandated by people of Municipalities, but without any right of Ex officio Members (Members of the Legislative Assembly) to cast their votes in the said process, however, subject to final outcome of the petition(s).

6 It is contended by learned Senior Counsel for the petitioners that the perusal of communication dated 17.05.2026 (Annexure P-3) reveals details of 11 winning candidates. Therefore, notification (Annexure P-4) was issued by the State Election Commission on 25.05.2026. He has also drawn attention of this Court to Annexure P-9, which reveals that total 12 votes were cast on 04.06.2026 for the post of President and Vice President of Municipal Council, Chamba. He submits that an MLA could not have cast his vote in the said election process. He further submits that in case interim directions are not passed in that event, the petitioners shall suffer huge and irreparable loss and the very purpose of filing the instant petition shall be defeated.

7 Having perused the material placed on record, in conjunction with Article 243R of the Constitution of India, H.P. Municipal Election Rules, 2015, more particularly, Rules 89, 90 and 91 thereof and order as passed by the Hon'ble Division Bench of this Court on 04.06.2026, more particularly, paras 37 and 41 thereof, the petitioners have

been able to make out a ***prima facie*** case in their favour for grant of interim direction.

8 Therefore, till the next date of hearing, the parties are directed to maintain *status quo qua* election proceedings, dated 04.06.2026 with respect to elections held for the posts of President and Vice President, Municipal Council, Chamba. It is further ordered that operation, implementation and effect of the results, dated 04.06.2026, gazette notification, consequential order, oath-administration proceedings and assumption-of-office proceedings, shall remain stayed till the next date of hearing.

9 List on 15.06.2026

(Romesh Verma)
Vacation Judge

08.06.2026
(pankaj)

