

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
CR No. 175 of 2024
(SUMER SINGH Vs SMT. RENU GARG AND OTHERS)

Dated : 01-04-2026

Shri Pratip Visoriya - Advocate for applicant.

Mohd. Amir Khan - Advocate for respondent No.1.

*Shri Deependra Singh Kushwaha - Additional Advocate General with
Shri S.S. Kushwaha - Government Advocate for the State.*

By order dated 20.03.2026, the case was adjourned for today.

It is submitted by Shri Deependra Singh Kushwaha that the Advocate General, who was to address this Court, is not available because of his personal reasons, and therefore, the case may be adjourned for two weeks.

The prayer for adjournment for two weeks appears to be an attempt of Bench hunting by the respondent/State Government.

Counsel for respondent No.1 submitted that the arguing counsel for respondent No.1 is on the way from his house. It is already 10:45 a.m., and it is surprising that arguing counsel for respondent No.1 has not come to the Court so far.

Be that whatever it may be.

Since this Court has already observed that the entire efforts of the respondents are of Bench hunting, therefore, it is clear that even the arguing counsel for respondent No.1 is not available.

It is not out of place to mention here that the applicant had filed an election petition challenging the election of respondent No.1 for the post of

President, Municipal Council Sheopur. A specific objection was raised by respondent No.1 as well as the State that since the notification, as required under Section 20 of Madhya Pradesh Municipalities Act notifying the election of the President has not been issued, therefore the election petition is premature. It was the case of the respondents that election petition can be filed within 30 days from the date of notification.

Although the applications filed by the respondents under Order 7 Rule 11 CPC was objected by applicant, but the trial Court, by the impugned order, allowed the said objection and the election petition filed by applicant was dismissed as premature, by holding that election petition can be maintained within 30 days from the date of notification & since the notification under Section 20 of M.P. Municipalities Act has not been issued, therefore, the election petition is premature. Thus, the objection raised by respondents that notification for the post of President is necessary was accepted.

The said order was challenged before this Court, and this Court, by order dated 08.10.2025, took note of the objection taken by respondent No.1 as well as the State, and came to a conclusion that, according to respondent No.1 herself as well as the State, the notification of the election on the post of President, Municipal Council Sheopur, was necessary, therefore, it was held that respondent No.1 is not entitled to discharge the duties of the post of President unless and until her election is notified, and accordingly it was directed that respondent No. 1 shall immediately stop functioning as President of the Municipal Council Sheopur.

It is not out of place to mention here that the State filed a writ appeal against the interim order dated 08.10.2025, which was dismissed on merits by holding it to be not maintainable. Thereafter, respondent No.1 assailed the order dated 08.10.2025 before the Supreme Court, and the said SLP was dismissed.

Thereafter, the State Government took a somersault and started claiming that the objection with regard to the necessity of issuance of notification under Section 20(3)(i) of Madhya Pradesh Municipalities Act was wrongly taken without the permission and concurrence of the State Government, and therefore the State Government is intending to take action against the erring officers who have taken such drastic objection without taking the State into confidence.

Thereafter, on various dates, the case was adjourned at the request of counsel for the State, because earlier the State had tried to shift the burden on poor officers, and now they are hesitating in taking action against their own officers.

This Court has repeatedly mentioned that this Court is not interested as to whether the objection with regard to the maintainability of the election petition as well as the necessity of issuance of a notification under Section 20(3)(i) of the Madhya Pradesh Municipalities Act, was taken by the State authorities with the concurrence of the State or not.

Be that whatever it may be.

Thereafter, this Court found that the State Authorities are trying to play fraud on this Court and are trying to kill time by not taking any action

which they themselves had proposed to take against their officers.

For the last more than one and a half months, even the Chief Secretary could not take any decision in this regard.

Every time this Court was making it clear that this Court is interested in final hearing of this case instead of adjourning the matter. However, only at the request of the counsel for the State, the matter was being adjourned.

Today also, it was submitted by counsel for the State that the Advocate General is not available because of his personal difficulties.

This Court is not concerned about the prayer for adjournment made for today, but this Court is aggrieved by the prayer for listing this case after two weeks.

If the Advocate General was busy for one reason or the other, then he could have been accommodated for a day or two, and under these circumstances, it was expected from the State counsel to pray for listing of this case on Monday i.e. 06.04.2026, but instead of doing that, a prayer was made that the case may be taken up after two weeks.

On earlier occasions, it was being projected by counsel for respondent No.1 that because of non-functioning of respondent No.1 as President, various important works of the Municipal Council Sheopur have come to a halt and every time it was made clear by this Court that this Court is always ready to hear the matter as early as possible. Even in the interim order dated 08.10.2025, this Court had asked the State counsel to argue the case finally at an early stage, but every time the State Government, as well as the counsel for respondent No.1, are running away from this Court from arguing the

matter finally.

Under these circumstances, the prayer for adjournment for two weeks is a clear attempt on the part of the State Government to get itself involved in Bench hunting.

It is really shocking that, on one hand, the State Government had taken a stand that notification under Section 20(3)(i) of the Madhya Pradesh Municipalities Act is necessary, and on the other hand, after having succeeded before the Election Tribunal, it is now running away from its own stand and wants to disown the aforesaid stand by submitting that the objection under Order 7 Rule 11 CPC was filed without taking the State Government into confidence.

This somersault taken by the State is clearly an afterthought, because they have lost sight of the fact that not only on 08.10.2025 the State counsel had supported its stand that notification under Section 20(3)(i) of the Madhya Pradesh Municipalities Act is necessary, but even thereafter a writ appeal was also filed. If the State Government had not given any instructions to its officers or the OIC or the Government Advocates, then under whose instructions the AG Office was trying to protect its stand taken in the application under Order 7 Rule 11 CPC, and under whose instructions the writ appeal was filed, has not been clarified.

Under these circumstances, when the State is out and out for Bench hunting, this Court is of the considered opinion that since the Additional Advocate General is not arguing the matter and has prayed for adjournment in the name of the Advocate General, and has prayed for two weeks' time on

the ground that today the Advocate General is busy in his personal work, the opinion formed by this Court that the whole attempt of the respondents is of Bench hunting is proper & appropriate.

Under these circumstances, the case is adjourned.

List this case in **week commencing 13.07.2026**.

The interim order dated 08.10.2025 shall continue till final disposal of this revision.

It is made clear that, in the meanwhile, no urgent hearing application or mention memo will be accepted. If any attempt is made by any of the respondents to move a mention memo or urgent hearing application, then they shall specifically and in bold letters mention that this Court has directed that no urgent hearing application or mention memo shall be accepted.

(G. S. AHLUWALIA)
JUDGE

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