

HIGH COURT OF TRIPURA
A_G_A_R_T_A_L_A_
WP(C) No.184 of 2023

Tipra Motha Party (TMP)

..... Petitioner(s)

V E R S U S

The State Election Commission of Tripura and others

.....Respondent(s)

For Petitioner(s) : Mr. Anthony Debbarma, Advocate,
Mr. M. Debbarma, Advocate,
Mr. B. Debbarma, Advocate.

For Respondent(s) : Mr. S.S. Dey, Advocate General,
Mr. Debalay Bhattacharya, G.A.,
Mr. Soumyadeep Saha, Advocate,
Mrs. A. Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

07/07/2023

This writ petition relates to conduct of general election for TTAADC Village Committee contending that the tenure of the Village Committee has expired on 07.03.2021 itself. Petitioner is a political party represented by its president and claims to have no personal interest. The reliefs prayed for by the petitioner are extracted hereunder :

“(i) Admit this petition;

(ii) Issue notice upon the each of the respondents;

(iii) After hearing Your Lordship may be pleased to pass an order to conduct general election for TTAADC Village Committee as per directions and order dated 13.07.2022 and 26.09.2022 respectively passed by the Hon'ble Division Bench in WP(C) No.08 of 2022 and subsequent order passed by the

Hon'ble Single Judge in connection with WP(C) No.833 of 2022 of this Hon'ble High Court and;

(iv) Pass order to reverse and setting aside vide notification No.F.7(18)-SEC/VC/GEN-ELEC/2020/1466-1557 dated 15.10.2022 issued by the respondent No.1;

(v) Pass any other relief/reliefs as this Hon'ble Court may deem fit and proper for the interest of the general public of TTAADC area.”

[2] The judgment passed by the Coordinate Bench of this Court in WP(C)(PIL) No.08 of 2022 dated 13.07.2022 are enclosed as Annexure-1. Writ petitioner has also enclosed a subsequent order passed by the learned Single Judge in WP(C) No.833 of 2022 dated 26.09.2022. Effectively, the instant writ petition does not call for a fresh adjudication on any pending *lis* as the issue has been already considered and decided by the Coordinate Bench of this Court in WP(C)(PIL) No.08 of 2022 with comprehensive directions which are contained in paragraphs 23 and 24 thereof and are extracted hereunder :

“23. Though we are not proposing any rigid time lines for this purpose, keeping in view SEC's affidavits and the materials placed before us, we would expect SEC and state machinery to notify the date of election at the earliest and complete the entire process of Village Committee elections including declaration of results preferably within the first week of November, 2022.

24. In terms of the above, the PIL stands disposed of.”

[3] The learned Single Judge has also taken note of the order passed by the Division Bench in WP(C)(PIL) No.08 of 2022 and directed the State Election Commission to complete the process of preparing

electoral roll expeditiously and hold the election in accordance with law also keeping in mind the observations and directions made in WP(C)(PIL) No.08 of 2022.

[4] We are informed that a contempt petition was earlier filed being Cont Cas(C) No.141 of 2022 which was disposed of on 17.11.2022 taking note of the fact that the process of preparation of electoral rolls was underway. We are informed that the process of preparation of electoral rolls is not yet complete till date. Be that as it may, the present writ petition seeks to enforce a direction already passed in a public interest litigation earlier by this Court. As such, no *lis* is involved for fresh adjudication in the instant writ petition. In case, the directions of the Court in WP(C)(PIL) No.08 of 2022 remain to be complied, the affected party/petitioner therein may have an effective forum to raise this issue of non-compliance of the directions in an appropriate proceeding.

[5] We, therefore, close this writ petition and the same is, accordingly, disposed of.

(T. AMARNATH GOUD) J

(APARESH KUMAR SINGH) CJ