

Court No. - 6

Case :- WRIT - C No. - 28914 of 2023

Petitioner :- Smt. Gayatri

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Pradeep Kumar, Chandan Bhagat, Chandra Prakash

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Pradeep Kumar, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

The writ petition has been filed by the petitioner with a prayer to quash the impugned order dated 21.06.2023 passed by respondent no.3, Sub Divisional Magistrate, Tehsil Hapur, District Hapur, vide which, the election petition of the petitioner has been dismissed.

Learned counsel for the petitioner submits that in the election of Pradhan, the respondent no.8 was the winning candidate, being elected as Gram Pradhan of Gram Panchayat Lalpur, Block Hapur, District- Hapur. The petitioner who was the unsuccessful candidate in the election, filed an election petition before respondent no.3 on 01.07.2021, taking several grounds. As there was delay in disposal of the aforesaid election petition, he filed Civil Misc. Writ Petition No.33830 of 2021 and the co-ordinate Bench of this Court, vide order dated 04.01.2022 disposed off the aforesaid writ petition, directing the respondent no.3 to decide the election petition, in accordance with law, if possible, within a period of six months from the date of production of certified copy of that order.

Despite the aforesaid order, when the election petition was not decided within stipulated period as directed by this Court,

Contempt Application (Civil) No.7934 of 2022 was filed by the petitioner and the co-ordinate Bench of this Court, vide order dated 22.12.2022, disposed off the same, granting three months further time to the respondent no.3 to comply the earlier order of this Court dated 04.01.2022 for deciding election petition.

Despite the aforesaid order, without issuing any notice or providing any opportunity of hearing to the petitioner, the order impugned, dismissing the election petition of the petitioner for want of pairvi as well as evidence, has been passed.

Learned counsel for the petitioner further submits that without affording any opportunity of hearing to the petitioner, being annoyed by the petitioner, the respondent no.3 has maliciously passed the impugned order, which is illegal and unjustified in the eyes of law, therefore, the same may be quashed.

Learned Standing Counsel, on the other hand, submits that after 22.12.2022, ample opportunity was provided to the petitioner to appear before the Court concerned and produce his evidence, as is evident from the order sheet dated 02.01.2023 onwards, but the petitioner did not appear, therefore, there is no illegality or infirmity in the order impugned.

In view of above, no interference is required and the writ petition is accordingly **dismissed**.

Order Date :- 8.11.2023

Rahul.