

Court No. - 6

Case :- WRIT - C No. - 34316 of 2023

Petitioner :- Vimla Devi

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

Counsel for Petitioner :- Arvind Kumar Srivastava, Bhaju Ram Pprasad Sharma

Counsel for Respondent :- C.S.C, Narayan Dutt Shukla, Rituvendra Singh Nagvanshi

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Arvind Kumar Srivastava, learned counsel for the petitioner, Mr. Narayan Dutt Shukla, learned counsel for respondents and learned Standing Counsel for the State-respondents.

With the consent of learned counsel for the parties, this writ petition is being finally disposed off at this stage without calling for a counter affidavit.

This writ petition has been filed by the petitioner with prayer to direct the respondent no.3 to decide the applications for recounting of votes dated 05.10.2021 and 02.11.2022, which is pending in Election Petition No.T202112610202625, (Vimla Devi vs. Roshan Lal and others), under Section 12-C of U.P. Panchayat Raj Act, 1947, within stipulated period.

Learned counsel for the petitioner submits that in the gram panchayat elections respondent no.4-Roshan Lal was elected as Pradhan of the concerned village. An election petition challenging the validity of the aforesaid election was filed on 04.06.2021. During the pendency of the aforesaid petition, applications for recounting have been filed on 05.10.2021 and 02.11.2022, therefore, a direction may be issued to respondent no.3 to pass orders on the aforesaid applications requesting for

recounting.

Learned counsel for respondent no.4 and learned Standing Counsel for the State-respondents submits that such an application requesting for recounting of votes is not maintainable as it would amount to finally allowing the writ petition without hearing the same.

On the aforesaid, learned counsel for the petitioner prays to direct respondent no.3 to expedite the election petition.

No useful purpose would be served by keeping this petition pending in view of the order, which the Court proposes to pass hereunder.

Considering the facts and circumstance of the case and without expressing any opinion on the merits of the case, this writ petition is finally **disposed off** with a direction to the respondent no.3-Presiding Officer/U.P. Zila Adhikari, Tehsil Powayan, District-Shahjahanpur to decide the aforesaid application of the petitioner, and pass appropriate order, in accordance with law, by means of a reasoned and speaking order, after giving opportunities of hearing to the petitioner, as expeditiously as possible, without granting any unnecessary or long adjournments to either of the parties, preferably within a period of **six months**, from the date of production of certified copy of this order, if there is no legal impediment.

Order Date :- 1.11.2023

Kalp Nath Singh