

Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 11641 of 2023

Petitioner :- Seeta

Respondent :- State Of U.P. And 10 Others

Counsel for Petitioner :- Saurabh Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.
2. In view of the order proposed to be passed, notices need not go to the private respondents.
3. The petitioner has preferred the present writ petition with the prayer to direct the Court below to decide the Revision No.07 of 2023 (Seeta Vs. State of U.P. and others) filed under Section 12C of the U.P. Panchayat Raj Act.
4. It is contended by learned counsel for the petitioner that the present revision has been filed against the order dated 27.12.2022 by which the Election Petition filed by the petitioner was dismissed. It is argued that the matter is pending since long and various dates were fixed in the matter, till date no decision has been taken in the matter, therefore, the petitioner is suffering from irreparable loss and injury and prays for expeditious disposal.
5. On the other hand, it is argued by learned Standing Counsel that the respondents have no objection if the revision will be decided expeditiously.
6. Heard learned counsel for the parties and perused the record.
7. The Supreme Court in *Satya Narain vs. Dhuja Ram and Ors. (1974) 4 SCC 237* emphasized that for proper functioning of a democracy, the principal object of the

Act is to ensure purity of elections and, therefore, when an election of a returned candidate is challenged, trial has to be necessarily expedited. Though these observations were expressed in relation to the provisions of the Representation of the People Act, 1951, the same would equally apply to the election of a member of the Gram Panchayat. In *P. Nalla Thampy Thera Vs. B. Shanker* (1984) Supp. SCC 631 and *F.A. Sapa Vs. Singora* (1991) 3 SCC 375, the Supreme Court expressed the same view.

8. Recently, in *Mohd. Akbar Vs. Ashok Sahu & Ors.* JT 2015 (3) SC 311 and *Pukhrem Sharatchandra Singh Vs. Mairembam Prithviraj @ Pratihiraj Singh* JT 2015 (9) SC 113, the Supreme Court also held that election petitions should be disposed of expeditiously.

9. The observations made by the Supreme Court in ***Pukhrem Sharatchandra Singh (supra)*** are as follows:

"A voter casts his vote as a responsible citizen to choose the masters for governing the country. That being the trust of the electorate in an elected candidate, when he faces an assail to his election, it should be his sanguine effort to become free from the assail in the election petition and work with attainment and not take shelter seeking adjournments with the elated hope that he can be triumphant in the contest by passage of time. This kind of attitude has to be curbed from all angles because law does not countenance it.?"

10. The principle which has been applied by the Supreme Court in dealing with election petitions filed under the Representation of the People Act should also be applied to election petitions filed under the provisions of the Act.

11. In the facts and circumstances of the case, this court considers it appropriate to issue a direction that the election petition filed by the petitioner should be decided expeditiously.

12. Accordingly, this petition is disposed of with a direction to the Court below to decide the aforesaid revision on priority basis and without granting any unnecessary adjournment within a period of six months from the date production of

certified copy of the order before the Court below.

Order Date :- 17.11.2023

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