

Court No. - 21

Case :- WRIT - C No. - 39419 of 2023

Petitioner :- Ram Pratap Rao

Respondent :- State Election Commission, U.P. Lucknow And 4 Others

Counsel for Petitioner :- Suresh Singh, Indra Jit Singh, Sr. Advocate

Counsel for Respondent :- C.S.C., Ten Singh

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. The following prayers have been made in the instant petition:

"i. Issue a writ, order or direction in the nature of mandamus directing the Respondent No.1 to 4 to restrain Sri. Ashutosh / Respondent No.5 in contesting the Election of Membership from the Kshetra Panchayat Adrauna, on the basis of Nagar Panchayat Nirvachan Niyamawali - 2021 of Gram Panchayat Nimbua- Navrangiya R/o- H.No. 159 (Kha) Nimbua - Navrangiya, Block Ramkola, District Kushinagar, and Nagar Panchayat Nirvachan Niyamawali -2022 of R/o- H.No. 246, Village Pindari Block Ramkola, Ward No.21 District Kushinagar and Nagar Panchayat.

ii. Issue a writ order or direction in nature of writ of Mandamus directing the Incharge Assistant District Election Officer, Panchsthaniya Election Office (Panchayat Evam Nagaiya Nikay), Kushinagar/Respondent No.3 to cancel the name of Sri. Ashutosh / Respondent No. 5 from the voter list of Kshetra Panchayat Adrauna Block Ramkola District Kushinagar and also cancel his membership of BDC.

iii. Issue a writ, order or direction in the nature Mandamus directing the Incharge Assistant District Election Officer, Panchsthaniya Election Office (Panchayat Evam Nagariya Nikay), Kushinagar / Respondent No.3 to decide the petitioner's of representation dated 24.07.2023."

2. We are of the considered opinion that such pre-emptive reliefs cannot be granted. As and when respondent no.5 files his nomination at any place, which under law, is not permissible, it would be open to any person including the petitioner to file objection against the same and in which event, it goes without saying that the objection would be considered as per the procedure prescribed.

3. The petition is wholly misconceived and is, accordingly, **dismissed** at this stage.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 8.12.2023

Ankit.