

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 6215 of 2023

Petitioner :- Shameema Azmi

Respondent :- Sub Divisional Magistrate/Prescribed Authority, Tehsil Sirauli Gauspur, Barabanki And 4 Others

Counsel for Petitioner :- Aftab Ahmad

Counsel for Respondent :- C.S.C.

Hon'ble Rajnish Kumar, J.

Heard Shri Aftab Ahmad, learned counsel for the petitioner and learned Standing Counsel.

Learned counsel for the petitioner submits that the petitioner has filed Election Petition No.RST/1343/2021, under Section 12(C) of U.P. Panchayati Raj Act- 1947, which is pending in the court of Sub-Divisional Officer, Tehsil- Sirauli Gauspur, District- Barabanki.

He further submits that the election petition was decided by means of the judgment and order dated 31.07.2023 and the matter travelled up to this Court and after remand to the revisional authority now the order dated 31.07.2023 has been set-aside and the matter has been remanded by the revisional authority by means of the order dated 30.09.2023 to the prescribed authority/ Sub-Divisional Officer, Sirauli Gauspur to decide a fresh. In pursuance thereof the proceedings started before the prescribed authority on 06.11.2023 and since then several dates have been fixed but on account of strike of lawyers, the case is not proceeding, whereas there is urgency in the matter because half of the term has already expired and in case, the case is not decided expeditiously the election petition shall render infructuous. He relying on a coordinate Bench order of this Court passed in Misc. Single No.28297 of 2021; Anju Vs. Prescribed Authority/S.D.M. Tehsil- Sandila, Hardoi and Others, submits that a direction may be issued for expeditious disposal of the case and the petitioner is ready to cooperate even on the dates of strike of lawyers. To which there is no objection by the learned Standing Counsel.

Considering the nature of the order proposed to be passed, the requirement of issuance of notice to the respondent nos.2 to 5 is dispensed with.

The petition is **disposed of** with liberty to the petitioner to

move an application for expeditious disposal of the aforesaid election petition alongwith an undertaking to assist the court even on the days of strike of lawyers. In case any such application is moved within one week from today with undertaking, the same shall be considered by the prescribed authority and appropriate order shall be passed within ten days thereafter in terms of the aforesaid coordinate Bench order and after intimating to the other side, decide the election petition in a time bound manner within the shortest possible time in accordance with law and without granting any unnecessary adjournment to the either side.

With the aforesaid, the petition is **disposed of**.

(Rajnish Kumar, J.)

Order Date :- 13.12.2023

Haseen U.