



2025:UHC:7812-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI G. NARENDAR
AND
HON'BLE SRI JUSTICE SUBHASH UPADHYAY

WRIT PETITION (M/B) NO. 746 OF 2025

3RD SEPTEMBER, 2025

Reena Devi Petitioner

Versus

State of Uttarakhand & others Respondents

Counsel for the petitioner : Mr. Abhijay Negi, Ms. Snigdha Tiwari
and Mr. Ayush Pokhriyal, learned
counsel

Counsel for the respondents : Mr. Gajendra Tripathi and Mr. S.S.
Chaudhary, learend Standing
Counsel for the State

: Mr. Sanjay Bhatt, learned counsel for
the State Election Commission

The Court made the following:

JUDGMENT: (per Hon'ble The Chief Justice Sri G. Narendar)

Heard learned counsel for the petitioner and
learned Standing Counsel for the State Election Commission.

2) The counsels fairly submit that petitioner has filed
an Election Petition and that the same is pending
consideration before the Election Tribunal and the next date
fixed is 10.09.2025. That, the petitioner apprehends by the
time Election Petition is heard and concluded, the period for



which the candidate was elected would get over and would virtually render the Election Petition infructuous.

3) We do not subscribe to this view. In the event, the election is set-aside even after the period is over, the Election Tribunal is not barred from hearing the petition and passing appropriate orders.

4) In the event, the Tribunal holds against the elected candidate, the same would act as a further bar on the candidate and he would stand disqualified to contest the election in future.

5) Be that as it may be, a reading of Section 86 of the Representation of The People Act would reflect the mind of the Parliament, which has deemed it appropriate to legislate that the trial of an election should be continued on a day-to-day basis once the formalities of service of notice and filing of pleadings is complete.

6) In that view and in view of the apprehension expressed by the learned counsel for the petitioner and in view of the submission of the Standing Counsel for State Election Commission, who would submit that the Election Tribunal may be directed to dispose of the Election Petitions in an expeditious manner, we deem it appropriate to dispose of the petitions with liberty to pursue the pending Election



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Petition, registered as Election Petition No. 17 of 2025, pending in the court of District Judge, Rudraprayag.

7) The facts remains that the interim order granted by this Court has not been questioned by the authorities. The writ petition is disposed of without making any observation on the merits and demerits of the claims of the petitioner.

8) In that view, the Election Tribunal shall take up the Election Petition for consideration and disposal in an expeditious manner and shall attempt to dispose of the same as expeditiously as possible and, while so, hearing and disposing of the Election Petitions, the Election Tribunal shall adhere to the provisions of Section 86 of the Representation of The People Act, in letter and spirit.

9) Petition stands ordered accordingly.

G. NARENDAR, C.J.

SUBHASH UPADHYAY, J.

Dt: 3RD SEPTEMBER, 2025
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