

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8311 of 2014

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Krishna Kant Suman, son of Late Jai Kishore Mahto, resident of village-
Mohchatti, P.O. Pipra Dadan, P.S. Kanhauli, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State Election Commission (Panchayat) through the State Election Commissioner, Sone Bhawan, Birchand Patel Path, Patna.
2. The State Election Commissioner, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
3. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
4. Jageshwar Mahto, son of Late Gokhul Mahto, resident of village- Khap Khpraha, P.O. and P.S. Kanhauli, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam
For the Respondent/s : Mr. Amit Shrivastava
: Mr. Girish Pandey

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 08-07-2015 It is submitted by Mr. S.B.K. Manglam that the required Court-fee for inclusion of Article 227 of the Constitution of India in the cause title has since been deposited.

Heard the parties.

A very limited prayer rather innocuous prayer has been made by the petitioner praying for a direction to the Munsif Sadar, Sitamarhi –cum- Election Tribunal for expeditious disposal of Election Petition No.01 of 2011 which has been pending before him since last four years.

The petitioner by way of the election petition has questioned the election of the private respondent to the post of

Mukhiya, Gram Panchayat Raj Khap Khopraha under Sonebarsa Block in the district of Sitamarhi.

It does not require this Court to remind the court concerned that an election petition has to be disposed of expeditiously and should not be allowed to be rendered infructuous by passage of time. Of the five years tenure available to the returned candidate, four years has already passed and another year would render the election petition infructuous. It is expressing such anxiety that the election petitioner has approached this Court. Since election cases are tenure based they are to be taken up on priority basis and should be disposed of within a reasonable time and in my opinion, four years period certainly cannot be termed reasonable. Whatever be the result of the contest, it is not for an academic pursuit that the election petitioner has filed the election petition. These are sufficient reasons for the Election Tribunal to appreciate the urgency of the matter and to dispose of the election case with utmost priority.

This writ petition is accordingly disposed of with a direction to the Munsif Sadar, Sitamarhi –cum- Election Tribunal for expeditious disposal of the Election Petition No.01 of 2011 in accordance with law after opportunity of hearing to

the contesting parties within a maximum period of three months from the date of receipt/production of a copy of this order bearing in mind that the tenure now available is less than a year. The Election Tribunal shall endeavour to dispose of the matter by conducting the hearing on day to day basis and without giving undue adjournment to any of the parties.

(Jyoti Saran, J)

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