

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(227) No. 60 of 2018**

Smt. Amar Bai W/o Lok Kumar Ghrilahre Aged About 40 Years R/o Village Pratappur Police Station Pandatarai Janpad Panchayat Pandariya District Kabirdham Chhattisgarh.

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Versus

1. Pratibha Panager W/o Kanshi Panager Aged About 38 Years Caste - Mochi R/o Village Mohgaon , Tahsil Pandariya District Kabirdham Chhattisgarh.,
2. Amrika Navrang W/o Ramprasad R/o Village Junglepur Tahsil Pandariya District Kabirdham Chhattisgarh.,
3. Urmila Patel W/o Ishwari Patel Village Andhiyarkhor Tahsil Pandariya District Kabirdham Chhattisgarh.
4. Kirti Diwakar W/o Tukaram Diwakar R/o Village Andhiyarkhor , Tehsil Pandariya District Kabirdham Chhattisgarh.
5. Nandsati Joshi W/o Jitendra R/o Village Junglepur Tehsil Pandariya District Kabirdham Chhattisgarh.,
6. Malti Patre W/o Jwala Prasad R/o Village Mohgaon , Tehsil Pandariya District Kabirdham Chhattisgarh.
7. Laxmanabai Bhaskar W/o Ramchand R/o Village Pratappur , Tehsil Pandariya District Kabirdham Chhattisgarh.
8. Shivkumari Banjare W/o Udal Banjare R/o Village Mohgaon Tehsil Pandariya District Kabirdham Chhattisgarh.
9. Shyam Kumari Banjare W/o Bhawsingh R/o Village Mohgaon , Tehsil - Pandariya District Kabirdham Chhattisgarh.
10. Shri Rituraj Bisen Nayab Tehsildar , Kunda And Returning Officer (Panchayat) Pandariya District Kabirdham Chhattisgarh.
11. Shri Padam Singh Marawi (Presiding Officer Polling Booth No. 261) Lecturer (Panchayat) 30 Middle School, Rengakharkala, Tehsil School Rengakharkala Tahsil School Rengakharkala Tahsil Badla District Kabirdham Chhattisgarh.
12. Shri Balram Arya (Presiding Officer Polling Booth No. 262) Lecturer (Panchayat) Higher Secondary School Minminiya Tehsil Badla District Kabirdham Chhattisgarh.
13. Shri Manohar Singh Merawi (Presiding Officer Polling Booth No. 262) Lecturer (Panchayat) Higher Secondary School Bamhani, Tehsil Pandariya District Kabirdham Chhattisgarh.
14. Shri Dhansingh Jharia (Presiding Officer Polling Booth No. 264) Teacher Panchayat Primary School , Khara , Tehsil Bodla District Kabirdham Chhattisgarh.
15. Shri Dwarika Prasad Yadav (Presiding Officer Polling Booth No. 269) Lecturer (Panchayat) Higher School , Taregaon (Jn) Tehsil - Bodla District Kabirdham Chhattisgarh.,

16. Shri Manohar Prasad Chandravanshi (Presiding Officer Polling Booth No. 270) Lecturer (Panchayat) Higher Secondary School , Taregaon (Jn) Tehsil Bodla District Kabirdham Chhattisgarh.
17. Shri Manoj Mishra (Presiding Officer Polling Booth No. 271) Lecturer (Panchayat) Higher Secondary School Jhalmala Tehsil Bodla District Kabirdham Chhattisgarh.
18. Shri Ajay Singh Thakur (Presiding Officer Polling Booth No. 272) Lecturer (Panchayat) Higher Secondary School Rauchan Tehsil Bodla District Kabirdham Chhattisgarh.
19. Shri Chemandas Manikpuri (Presiding Officer Polling Booth No. 273) Principal Primary School Jaitatola Tehsil Bodla District Kabirdham Chhattisgarh.
20. Shri Roman Singh Marawi (Presiding Officer Polling Booth No. 274) Lecturer (Panchayat) Higher Secondary School Khara Tehsil Bodla District Kabirdham Chhattisgarh .
21. Shri R. K. Verma (Presiding Officer Polling Booth No. 275) Lecturer (Panchayat) Rural Agriculture Development Officer , Agriculture Department Bodla Tehsil Bodla District Kabirdham Chhattisgarh.
22. Shri Suresh Kumar Lanche (Presiding Officer Polling Booth No. 276) Principal Primary Baghutola Tehsil Bodla District Kabirdham Chhattisgarh.
23. The Specified Officer Cum Additional Collector , Kabirdham , District Kabirdham Chhattisgarh.

---- Respondents

For petitioner – Shri Rakesh Pandey, Advocate.
For State- Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/01/2018

Heard.

1. Instant petition is filed seeking direction to decide Election Petition No. 2C/144 within specified period of time.
2. Learned counsel for the petitioner submits that initially in the year 2015 in W.P.C. No.338/2015 on 24/03/2015 direction was given to the Election Tribunal to decide the case within a period of six months and eventually election petition was decided on 23/01/2016 and the election petition was dismissed. Against that order W.P.C. No.334/2016 was filed which was allowed and the court by an order dated 15/02/2017 remitted

back the election petition to decide the case for holding trial in accordance with Rule 11 of the Rules, 1995. This was also subject of W.A. No.96/2017 wherein also on 13/07/2017 writ appeal was dismissed. Thereby order dated 15/02/2017 came into existence whereby case was remitted back to the Election Tribunal to decide afresh. It is submitted that despite that direction case is not decided and election petition is of year 2015 and if election petition is not decided within specified time, then entire filing of the election petition itself shall become infructuous. Consequently, the Election Tribunal may be directed to decide the election petition within specified time.

3. Perused the order. First order appears to be passed on 24/03/2015 in W.P.C. No.338/2015 whereby this court has directed the Election Tribunal to consider and decide the election petition in accordance with law within a period of six months from the date of production of the order. Subsequently, record shows that election petition was decided by the Tribunal on 23/01/2016 and the election petition was dismissed. Such dismissal was again subject of challenge before the High Court in W.P.C. No.334/2016 whereby this court again by such order directed the Election Tribunal for holding trial in accordance with Rule 11 of the Rules, 1995 and after framing necessary issues directed the tribunal to give parties reasonable opportunity to lead evidence and decide the case. Thereafter, said order of remittance was subject of challenge in W.A. No.96/2017 whereby by an order dated 13/07/2017 writ appeal was dismissed. Consequently, order whereby order of remitting back case on 15/02/2017 in W.P.C. No.334/2016 was again revived. Taking into such facts and the election petition is of the year 2015, the election tribunal is directed to decide the election petition afresh in accordance with the direction given in W.P.C. No.334/2016 which was decided on 15/02/2017 within further period of six months from the date of production of this order. It is further

directed that the election tribunal shall comply with the direction given by this court as supra.

4. With such observation, petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE

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