

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6302 of 2019

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Bikramaditya Singh, S/o Ramavasavan Singh resident of Village- Mahuli,
P.O.- Mahuli, P.S. Ara Muffasil, Block- Ara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Bhojpur at Ara.
2. The Returning Officer-cum-Block Development Officer, Block- Ara, District- Bhojpur.
3. The Registrar General, Patna High Court, Patna.
4. Ram Tapasya Singh Son of Late Sheo Darshan Singh, resident of Village- Mahuli, P.O.- Mahuli, P.S. Ara Muffasil, Block- Ara, District- Bhojpur.
5. Uday Singh Son of Umrao Singh, Resident of Village- Mahuli, P.O.- Mahuli, P.S. Ara Muffasil, Block- Ara, District- Bhojpur.
6. Kamla Devi, Wife of Ram Narayan Singh, resident of Village- Durandha, P.O. Dhobha, P.S. Ara Muffasil, Block- Ara, District- Bhojpur.
7. Pawan Kumar Singh, Son of Late Radha Krishan Singh, resident of Village- Belghat, P.O.- Mahuli, P.S. Ara Muffasil, Block- Ara, District- Bhojpur.
8. Raghunandan Mahraj Son of Late Nand Kumar Singh, resident of Village- Durandha, P.O.- Dhobha, P.S.- Ara Muffasil, Block- Ara, District- Bhojpur.
9. Brijkishor Singh, Son of Late Krishna Narayan Singh, Resident of Village- Saidpur, P.O.- Barka Dumra, P.S.- Ara Muffasil, Block- Ara, District- Bhojpur.
10. Ranjit Kumar Singh, Son of Late Rajesh Singh, resident of Village- Amma, P.O.-Dhobha Bazar, P.S.- Ara Muffasil, Block- Ara, District- Bhojpur.
11. Rajeshwar Singh, Son of Late Sheo Darshan Singh, resident of Village- Mahuli, P.O. Mahuli, P.S.- Ara Muffasil, Block- Ara, District- Bhojpur.
12. Ram Kewal Yadav Son of Late Ghurbegan Yadav, resident of Durandha, P.O.- Dhobha, P.S. Ara Muffasil, Block- Ara, District- Bhojpur.
13. Krishana Yadav, Son of Late Mahngu Yadav, resident of Durandha, P.O. Dhobha, P.S.- Ara Muffasil, Block- Ara, District- Bhojpur.
14. Sanjai Kumar Srivastava, Son of Late Krishana Lal resident of Village- Saidpur Durandha, P.O.- Barka Dumra, P.S.- Ara Muffasil, Block- Ara, District- Bhojpur.
15. Sunil Kumar, Son of Jaglal Yadav, resident of Village- Nirmalpur, P.O.- Barka Dumra, P.S.- Ara Muffasil, Block- Ara, District- Bhojpur.
16. Execution Munsif-cum-Election Tribunal, Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Saket Tiwary, Adv. Mr. Anuraj Singh, Adv.
For the State	:	Mr.S.K. Mandal (SC-3) Mr. Ravi Ranjan Kumar Singh, AC to SC-3
For the High Court	:	Mr. Mrigank Mauli, Adv.



CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-11-2019 Learned counsel for the petitioner is permitted to add the Execution Munsif-cum-Election Tribunal, Bhojpur at Ara as respondent no.16 in this writ application in course of day.

The petitioner is aggrieved by the pendency of Election Petition No.5 of 2016 in the court of learned Execution Munsif-cum-Election Tribunal, Bhojpur at Ara. It is his grievance that the issues were framed in the election petition as back as on 02.03.2017 and on 06.08.2018 the petitioner had filed an application praying that the evidence of contesting opposite party may be closed. The contesting opposite party who is respondent no.4 here has filed list of 48 witnesses and thereafter he filed an application stating that he would be unable to bring witnesses on day to day basis hence adjournment may be granted. It is submitted that the court has been granting unnecessary adjournments which will be evident from perusal of the order-sheet as Annexure-4 to the writ application.

Learned counsel for the State is present.

In the given facts and circumstances of the case, this Court finds that the grievance of the petitioner is genuine. The election petition has been filed in the year 2016 and only by filing a list of 48 witnesses if the contesting opposite party is



delaying the disposal of the election petition, it is for the election tribunal to ensure that any attempt by any of the parties to delay the disposal of the election petition on any frivolous ground is required to be dealt with strictly and no unnecessary adjournment may be granted in the case.

Learned counsel for the petitioner has submitted that the petitioner has filed an application in the court below for a direction to the contesting opposite party to restrict his number of witnesses to be deposed. He has also filed a copy of the judgment of this Court in CWJC No.15982 of 2006 in which a direction has been issued by this Court to the election tribunal to ensure that the election petition must be disposed of as expeditiously as possible and in any event within a maximum period of two years from the date of its filing.

In the aforesaid view of the matter, this Court directs the learned Execution Munsif-cum-Election Tribunal, Bhojpur at Ara (Respondent no.16) to ensure that the election petition must be disposed off within a period of three months from the date of receipt/production of a copy of this order.

arvind/-

(Rajeev Ranjan Prasad, J)

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