

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6550 of 2019

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Satyendra Narain Singh Son of Late Dharichhan Singh Resident of Village- Ahile, Post Office- Kurmichak, Police Station- Narayanpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. Pramila Devi Wife of Jai Kumar Yadhav Resident of Village- Kheri, Post Office- Bargaon, Police Station- Narayanpur, District- Bhojpur.
2. Arjun Singh Son of Ram Ishwar Singh Resident of Village and Post Office- Poswan, Police Station- Agiaon, District- Bhojpur.
3. Umesh Singh Son of Sarswati Kunwar Resident of Village and Post Office- Poswan, Police Station- Agiaon, District- Bhojpur.
4. Kavita Devi Wife of Nandji Singh Resident of Village- Kheri, Post Office- Bargaon, Police Station- Narayanpur, District- Bhojpur.
5. Gupteshwar Singh Son of Late Ram Janam Singh Resident of Village and Post Office- Poswan, Police Station- Agiaon, District- Bhojpur.
6. Nand Kumar Singh Son of Prithvi Singh Resident of Village and Post Office- Poswan, Police Station- Agiaon, District- Bhojpur.
7. Madhubala Kumari Devi Wife of Anil Kumar Resident of Village- Ahile, Post Office- Kurmichak, Police Station- Narayanpur, District- Bhojpur.
8. Malik Chandra Kumar Son of Nandji Paswan Resident of Village and Post Office- Poswan, Police Station- Agiaon, District- Bhojpur.
9. Rajiv Prasad Son of Late Bhuneshwar Prasad Resident of Village- Meghriyan, Post Office- Bargaon, Police Station- Azimabad, District- Bhojpur.
10. Sunil Kumar Son of Bajrangi Lal Resident of Village and Post Office- Poswan, Police Station- Agiaon, District- Bhojpur.
11. Suresh Prasad Son of Jhapsei Tato Resident of Village- Meghriyan, Post Office- Bargaon, Police Station- Azimabad, District- Bhojpur.
12. Haridwar Singh Son of Tribhuvan Singh Resident of Village- Kheri, Post Office- Bargaon, Police Station- Narayanpur, District- Bhojpur.
13. The State of Bihar through District Magistrate, Bhojpur at Ara.
14. The State Election Commission, Bihar, Patna.
15. The Returning Officer-cum-Block Development Officer, Block- Agiaon, Police Station- Narayanpur, District- Bhojpur.
16. Execution Munsif-cum-Election Tribunal, Bhojpur at Ara

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar
For the Respondent/s : Mr.Md. Raisul Haque (SC-10)

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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.1 of 2016/6A of 2017 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 15.02.2017 and the petitioner had filed an application praying that the evidence of contesting opposite party may be closed. Learned counsel submits that the petitioner has filed a Misc. Petition bearing no.71/2018 before the District Judge, Bhojpur, Ara for a direction to the election tribunal to dispose of the election petition which was allowed by the District Judge, Bhojpur, Ara vide order dated 25.05.2018 with a direction to the learned Munsif-IIIrd, Ara to dispose of the election petition till 30.06.2018 by conducting day to day hearing, but in spite of the said direction given by District Judge, Bhojpur, Ara the election tribunal has not taken any steps to dispose of the election petition. It is submitted that the court has been granting unnecessary adjournments which will be evident from perusal of the order-sheet as Annexure-2 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 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 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.

(Rajeev Ranjan Prasad, J)

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