

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1264 of 2021

- Smt. Savitri Jagat W/o Shankar Jagat Aged About 30 Years R/o Pandritarai, Near Purana Sitla Mandir Pandri Police Station - Devendra Nagar, Tah And District - Raipur Chhattisgarh.

---- Petitioner

Versus

1. Smt. Nilam Jagat W/o Nilkhanth Jagat Aged About 45 Years R/o Thakurpara, Near Community Bulding Sarona Police Station - Urla, Tahsil And District - Raipur Chhattisgarh. Present Resident Rajendra Nagar, Near Budhima Mandir, Police Station - Civil Line Tahsil And District - Raipur Chhattisgarh
2. Kalpana Sonwani W/o Dilip Singh Sonwani Aged About 35 Years R/o Rajendra Nagar, Near Durga Mandir, Katora Talab Police Station - Civil Line Tahsil And District - Raipur Chhattisgarh.
3. Nisha Thankur Pradhan W/o Kundan Singh Thakur Aged About 33 Years R/o Katora Talab, Near Durga Mandir, Tahsil And District Chhattisgarh.
4. Sanjana Santosh Hiyaal W/o Santosh Hiyaal Aged About 45 Years R/o Rajendra Nagar, Near Budhima Mandir, Police Station - Civil Line Tahsil And District Raipur Chhattisgarh.
5. Returning Officer Municipal Corporation Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Badruddin Khan, Advocate
For Respondent/ State	:	Ms. Shriya Tiwari, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.03.2021

Heard.

1. Learned counsel for the petitioner submits that the petitioner has preferred an election petition under section 441 of the Municipal Corporation Act, 1956 challenging the election held in the year 2019. He further submits that the petitioner had filed an application for urgent hearing after the functioning of the Court started. Thereafter though the application was filed for urgent

hearing that was dismissed on the ground that it do not fall within the back log period of 5 years. He further submits that since it is election petition and if period of 5 years is passed, the petition itself would become infructuous.

2. Perused the documents.
3. Perusal of order dated 12.01.2021 wherein the application for urgent hearing has been dismissed by the District Judge, Raipur the reasons stated in the order shows that it has been held that case being not old than 5 years and only 1 year has passed no urgent hearing would be required. In the opinion of this Court, the said logic cannot be applied in the given facts of this Case. Specially, when the election petition is filed and the tenure would come to an end after lapse of 5 years. Therefore, District Judge Raipur is directed to decide the case of the petitioner as expeditiously as possible.
4. With the aforesaid observation, the petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Jyoti