



C.R.P.(P.D).No.4062 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.(P.D) No. 4062 of 2022

Mrs.Jothi

...Petitioner

Vs.

1. Usha

2. Muthukumaran

3. Arasu

4. The Returning Officer,
(For Panchayat Union Election)
Vanur Panchayat Union,
Vanur Taluk,
Villupuram District.

5. The District Collector,
District Collector Office,
Master Plan Complex,
Villupuram Taluk,
Villupuram District.

...Respondents



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Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Hon'ble Principal District Judge at Villupuram, to dispose the above ELOP No.8/2022 on the file of the court of the Hon'ble Principal District Judge at Villupuram within the time stipulated by this Honble Court.

For Petitioner : Mr.V.Sithannan

For Respondents : Mr.P.Harish
Government Advocate (CS)

ORDER

The relief sought in the Civil Revision Petition is to direct the Principle District Judge at Villupuram, to dispose of ELOP No.8 of 2022.

2.The petitioner filed an Election Petition before the Principle District Judge at Villupuram, challenging the Election conducted in Ward No.22 of Vanur Panchayat Union.

3.The grievance of the petitioner is that the Election Petition filed by the petitioner is pending for the past about 11 months. Section 258 of the Tamil



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Nadu Panchayat Act, 1994, deals with disputes regarding the elections and the procedures contemplated are as under.

258. Election Petitions : (1) *No election of a President or a Chairman or a Member shall be called in question except by an election petition presented to the District Judge of the district in which the Panchayat is situated, within [forty-five days] from the date of the publication of the result of the election under this Act.*

(2) *An election petition calling in question any such election may be presented on one or more of the grounds specified in Section 259 by any candidate at such election, by any elector of the ward concerned or by any member.*

(3) *A petitioner shall join as respondents to his petition all the candidates at the election.*

(4) *An election petition –*

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall, with sufficient particulars, set forth the ground or grounds on which the election is called in question; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908) for the verification of pleadings.



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(5) The trial of an election petition shall, so far as is practicable, consistently with the interest of justice in respect of the trial, be continued from day-to-day until its conclusion, unless the District Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(6) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the District Judge for trial.”

4.The statutory procedures contemplate reveal that the Election Petitions have to be disposed of as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the Election Petition is presented to the District Judge for trial. When the statute contemplates a time limit for the disposal of the Election Petitions, the same is to be followed as far as possible. Though such time limits prescribed are directory in nature, the Courts are expected to make an attempt to dispose of the Election Petitions without any undue delay.



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5.Considering the facts and circumstances, the Principal District Court at Villupuram is directed to dispose of the Election Petition within a period of three months from the date of receipt of a copy of this order.

6.Accordingly, the Civil Revision Petition stands **allowed**. However, there shall be no order as to costs.

sha

07.12.2022

Index:Yes
Internet:Yes
Speaking Order

To

1. Principal District Judge,
Villupuram



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S.M.SUBRAMANIAM.J.,

sha

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