

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3960 of 2023

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Smt. Mala Sinha Wife of Sitesh Raman, Resident of White House, Duplex
No. 19, Hanuman Nagar, Kankarbagh, P.S.-Patrakar Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The Election Commission of India through the Chief Election Commissioner, Nirvachan Bhawan, Ashok Road, New Delhi.
2. The State Election Commissioner, Bihar, 7 Sardar Patel Marg (Mangles Road) Patna, Bihar.
3. The Chief Electoral Officer, 7 Sardar Patel Marg (Mangles Road) Patna, Bihar.
4. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
5. The District Magistrate, Patna, Bihar.
6. Ashish Chandra Yadav @ Ashish Chandra @ Satyendra Yadav @v Satyendra Kumar, Son of Shri Raisakal Rai, Resident of Old Kankarbagh, Gate No. 15, P.O.-Lohiya Nagar, P.S.-Patrakar Nagar, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashank Chandra
For the Respondent/s : Mr. Subhash Pd. Singh (Ga3)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner, Ms. Kumari Shubham along with learned counsel for the State Election Commission, Mr. Sanjeev Nikesh along with learned counsel appearing for the Election Commission of India and learned counsel appearing for the State of Bihar.

Various reliefs have been sought in the present writ application, but the learned counsel appearing for the petitioner at the outset submits that the petitioner would be satisfied in the event if the writ application is disposed of with a direction to the



learned Trial Court to expeditiously decide Election Petition No. 1 of 2023 filed by the petitioner against the respondent No. 6 (Ashish Chandra Yadav alias Ashish Chandra alias Satyendra Yadav alias Satyendra Kumar) impleaded as respondent No. 6 in the present writ application.

Learned counsel next submits that the petitioner had contested the election of Ward Parshad for Ward no. 44 under Kankarbagh Anchal of Patna Municipal Corporation in which the respondent No. 6 herein won the election. It is next submitted that the respondent No. 6 by concealing his criminal antecedents, five in number, had contested the election, further when the petitioner came to know about the said fact that the respondent No. 6 has criminal antecedents and the same was concealed while contesting the election, the aforesaid election petition was filed challenging the election of the respondent No. 6. It is next submitted that in the election petition various grounds have been raised for challenging the election of the respondent No. 6 including his criminal antecedents. Learned counsel next submits that the respondent No. 6 herein has appeared in the Election Petition No. 1 of 2023.

Learned counsel next submits that she is aware that the learned Trial Court are burdened with cases and as such are



under pressure but then if an aggrieved has approached the Court seeking a relief and in the event if the relief to which he or she is entitled does not come in time, then that definitely amounts to travesty of justice. It is next submitted that the case is clear based on documentary evidence that the respondent No. 6 had criminal antecedents which he had concealed while contesting the election and that in itself is a ground on which his election can be set aside but then in order to delay the election petition No. 1 of 2023, initially, the respondent No. 6 herein was not appearing in the case and it was only when an application was filed seeking decision of the case ex-parte that the respondent No. 6 appeared.

Learned counsel thus submits that since the respondent No. 6 has appeared, the learned Trial Court be directed to decide the Election Petition No. 1 of 2023 expeditiously.

Learned counsel appearing for the State Election Commission, Mr. Sanjeev Nikesh, submits that if what has been pleaded in the writ application is true, then it is a serious issue, it is fairly submitted that it has been rightly pointed out by the learned counsel for the petitioner that the respondent No. 6 could not have contested the election by concealing his criminal



antecedents, as such, the learned counsel does not object to the prayer made by the learned counsel for the petitioner.

Learned counsel appearing for the Election Commission of India also adopts the submissions made by the learned counsel appearing on behalf of the State Election Commission.

After hearing the parties, the writ application is disposed of with a direction to the learned Trial Court to ensure that Election Petition No. 1 of 2023 is decided expeditiously and preferably within a period of one year from the date of receipt/production of a copy of this order.

The writ application is disposed of.

(Satyavrat Verma, J)

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