

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11132 of 2023

Priyanka Devi Wife of Harendra Kumar Yadav Resident of Village and P.O. Barharwa Fateh Mohammad, P.S.- Dhaka, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, The Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate-cum- District Election Officer (Panchayat), East Champaran at Motihari, District- East Champaran at Motihari.
5. The Block Development Officer, Dhaka, District- East Champaran at Motihari.
6. Ratnesh Kumar, Son of Nawal Kishore Rai Resident of Village and P.O. Barharwa Fateh Mohammad, P.S. Dhaka, District- East Champaran at Motihari.
7. Abdul Manan, Son of Abdul Razaque Resident of Village and P.O. Barharwa Fateh Mohammad, P.S. Dhaka, District- East Champaran at Motihari.
8. Nurun Nesha, Wife of Naushan Alam Resident of Village and P.O. Barharwa Fateh Mohammad, P.S. Dhaka, District- East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S B K Manglam, Advocate Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr. Prem Ranjan Raj, AC to SC-7

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 25-09-2023

Heard Mr. S. B. K. Mangalam, learned counsel
appearing on behalf of the petitioner and Mr. Prem Ranjan Raj,
learned AC to SC -7.



2. The petitioner seeks the following relief(s):-

“1. (I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the learned Subordinate Judge- III, Sikarahana (Dhaka) for early disposal of Election Petition No.02 of 2021 filed by the petitioner to challenge the election of Respondent no.6 as a Member of Dhaka Block Panchayat Samiti for which election was held on 20.10.2021 and the result whereof was declared on 22.10.2021.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no.4 for transmission of documents as per the list filed by the petitioner and in compliance of the order dated 13.12.2022 passed by the learned Subordinate Judge in Election Petition No.02 of 2021 and reminded by the order dated 31.01.2023.

(III) For a declaration that non transmission of documents by the Respondent no.4 in compliance of the order dated 13.12.2022 and reminded by the order dated 31.01.2023 would amount to obstruction of Respondent no.4 in dispensation of justice, misconduct on the part of Respondent no.4 and disobedience of the court's order for which he would be liable to be prosecuted under the Contempt of Court's Act.

(IV) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent no.2 to take disciplinary action against the Respondent no.4 for is deliberate disobedience of the order dated 13.12.2022 passed by the learned Subordinate Judge-III, Sikrahana, East Champaran in Election Petition No.02 of 2021 and the reminder dated 31.01.2023 since the action of the Respondent no.4 would amount to his



obstruction in dispensation of justice.

(V) For issuance of any other appropriate writ/writs, order/ orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. It is submitted on behalf of the petitioner with all vehemence that the election petition was filed way back in the year 2021 itself, but despite, two years having been passed, the Election Petition has not come to its logical conclusion, when the tenure of a candidate is only prescribed for five years. He further submits that in identical matters, the different co-ordinate Benches of this Court as well as Division Bench has directed to conclude the election dispute, as early as possible, so that the fruit of the judgment/order can be allowed to the eligible candidates.

4. On the other hand, learned counsel for the State submits that the matter is pending for evidence of the respondent side and the election petition is likely to be concluded within a reasonable period of time.

5. Undisputedly every election dispute be tried, as expeditiously as possible, and endeavour shall be made to conclude the trial within a reasonable period of time, irrespective of the fact, no time limit has been prescribed for disposal of an election petition.

6. Be that as it may, considering the prayer on behalf



of the petitioner, the present writ petition stands disposed of with an expectation that the learned Court/Election Tribunal shall make all its endeavour and the parties would also co-operate the proceedings to take into their logical conclusion, expeditiously within a period of three months from the date of receipt production/copy of this order.

(Harish Kumar, J)

shoaib/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.10.2023.
Transmission Date	NA

