

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12127 of 2023

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Lalan Kumar, son of Daroga Choudhary, Resident of village- Ajgari Chudihrawa Tola, Post Office- Ajgari Math, Police Station- Banjariya, District-East Champaran, Bihar-845401.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Returning Officer-cum-Block Development Officer, Block- Banjariya, District- East Champaran at Motihari.
3. Jafir Azad, son of Izhaar Hussain, resident of Siswa Ajgari, Police Station- Banjariya, District-East Champaran, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Advocate

For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG- 3

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 26-09-2023

Heard Mr. Kumar Kaushik, learned counsel appearing on behalf of the petitioner and Mr. Suman Kumar Jha, learned counsel representing the State.

2. The petitioner by filing the present writ petition seeks a direction commanding upon the learned Election Tribunal, East Champaran at Motihari to dispose of the Election Petition Case No. 04 of 2022 filed by the petitioner for declaring the election of respondent no.3 of Siswa East Gram Panchayat, Constituency No.12 to be null and void, expeditiously within a



reasonable time.

3. It is submitted on behalf of the petitioner that the petitioner is an elected member of Ajgari Gram Panchayat in the district of East Champaran, whereas the respondent no.3 contested the election from Siswa East Gram Panchayat and has been declared as successful candidate. The election of Panchayat Samiti was held on 08.12.2021 and the result of which was declared on 10.12.2021. It is further submitted that since respondent no.3 suppressed the material information in his nomination paper relating to criminal antecedent, the petitioner filed an Election Petition at Motihari on 15.02.2022.

4. The notice was issued to respondent no.3 on 18.02.2022, however, because of his forbearance to accept the same, paper publication was made and finally the respondent no.3 appeared on 21.05.2022. He next submitted that subsequently after a lapse of three months, written statement has been filed on behalf of respondent no.3 but for one reason or the other the case is being delayed at his behest, compelling the petitioner to approach before this Court for expeditious disposal of Election Petition Case No. 04 of 2022.

5. Mr. Kaushik further drew the attention of this Court to one of the judgment rendered by the Apex Court in the



case of **Pukhrem Saratchandra Singh Vs. Mairembam Prithviraj @ Prithibiraj Singh, (2015) 16 SCC 149** especially paragraph nos.12 and 20 thereof, which are being quoted hereinbelow for appreciation of the matter in issue:

12. While dealing with the role of the Election Tribunal and the conception of disposal of a challenge to election, a three-Judge Bench in **Satya Narain v. Dhuja Ram** [**Satya Narain v. Dhuja Ram, (1974) 4 SCC 237**] has observed that: (SCC pp. 245-46, para 13)

“13. Keeping in the forefront the proper functioning of democracy, the principal object of the Act is purity of elections. When, therefore, an election of a returned candidate is challenged under the Act, expeditious trial of the election dispute is sought to be enforced by the legislature making all safeguards against delay. Trial has to be necessarily expedited to rid the candidate as well as the constituency interested in the result of the election, of any taint or suspicion of corrupt practices which are again clearly enumerated in the Act. ...

20. A voter casts his vote as a responsible citizen to choose the masters for governing the country. That being the trust of the electorate in an elected candidate, when he faces an assail to his election, it should be his sanguine effort to become free from the assail in the election



petition and work with attainment and not take shelter seeking adjournments with the elated hope that he can be triumphant in the contest by passage of time. This kind of attitude has to be curbed from all angles because law does not countenance it.”

6. On the other hand, learned counsel for the State fairly submits that though, under the Bihar Panchayati Raj Act, no time has been prescribed for disposal of Election dispute, however, in any case, the same should be disposed of within a reasonable period of time.

7. In view of the submissions made on behalf of the parties and taking note of the judgment placed before this Court in the case of **Pukhrem Saratchandra Singh** (supra), as also the well settled proposition that every election dispute be tried as expeditiously as possible and endeavour shall be made to conclude the trial within a reasonable period of time, the present writ petition stands disposed of with an expectation that the learned Sub-Judge-III-cum-Election Tribunal, East Champaran at Motihari shall take all the endeavours to dispose of the Election Petition Case No. 04 of 2022 preferably within a period of six months from the date of receipt/production of a copy of this order.

8. This Court also expects that the parties would



also cooperate the proceedings to bring the case to its logical conclusion.

(Harish Kumar, J)

uday/-

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

