

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.967 of 2023

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Sri Surendra Yadav Son of Late Sheobarat Yadav, Resident of Village Bhetaura P.O. Bahasapipara @ Bahsapipra, PS Fatehpur, District Gaya (824232)

... .. Petitioner/s

Versus

1. Smt. Anita Devi W/o Sri Dilip Prasad Yadav, Resident of Village Bhetaura, PO Bahasapipara, PS Fatehpur, District Gaya (824232)
2. Smt. Ankita Singh W/o Sri Karu Singh, Resident of Village Bhetaura, PO Bahasapipara, PS Fatehpur, District Gaya (824232)
3. Smt. Anita Devi W/o Indrajeet Yadav, Resident of Village Tetariya, Tola Karmatar, PO Dhibar, PS Fatehpur, District Gaya (824232)
4. Sri Gauri Shankar Yadav S/o Sri Kripa Yadav, resident of Village Babhnima, PO Bahasapipara, PS Fatehpur, District Gaya (824232)
5. Smt Chanda Devi W/o Sri Papu Paswan, Resident of Village Bhetaura, PO Bahasapipara, PS Fatehpur, District Gaya (824232)
6. Sri Satyendra Yadav S/o Sri Chatradhari Yadav, Resident of Village Tetariya, PO Dhibar, PS Fatehpur, District Gaya (824232)
7. State Election Commissioner, Bihar, Sone Bhawan, 3rd Floor, Beerchand Patel Marg, Patna.
8. District Magistrate-cum-District Election Officer, Gaya, District Collectorate, Gaya 823001
9. Block Development Officer-cum-Returning Officer, Tankuppa, PO and PS Tankuppa, District Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Ranjan, Advocate
For the Respondent/s	:	Mr. Kumar Alok, SC-7
		Mr. Prem Ranjan Raj, A.C. to S.C.-7
For the S.E.C.	:	Mr. Sanjeev Nikesh, Advocate
		Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 23-03-2023

Heard learned counsel for the petitioner and learned counsel for the State Election Commission along with learned counsel for the State.



In view of the nature of relief sought in the present writ application notices upon private respondents are not required.

The present writ application has been filed seeking a direction upon the learned Munsif-II, Gaya for disposal of Election Petition No. 05/21-11/21 within a time frame.

Learned counsel for the petitioner, at the outset, submits that he is confining his prayer only with respect to the relief as noted hereinabove.

Learned counsel for the petitioner submits that election for the post of Mukhiya for Gram Panchayat Raj, Bhetaura under Tankuppa Block, District Gaya was notified by the Election Commission and the date of the Election was fixed on 15.11.2021. It is further submitted that the petitioner along with other candidates filed their nomination and contested the election. It is next submitted that on the date of polling, 6047 electorates of Bhetaura Gram Panchayat exercised their right to vote for the post of Mukhiya. The voter turn out was communicated by the respondent-B.D.O, Tankuppa vide Memo No. 228, dated 15.11.2021. It is next submitted that on the date of counting, the writ petitioner secured 2212 votes while his nearest rival i.e. respondent no. 1 (Anita Devi) secured 2200 votes and, thus, she was behind the petitioner by 12 votes. It is next submitted that the



Returning Officer, in collusion with respondent no. 1 while declaring the result, announced that respondent no. 1 has secured 2224 votes and the total votes cast was 6071. It is next submitted that since the petitioner lost the election as such he challenged the same by filing Election Petition No. 05/21-11/21 which is pending adjudication before the learned Munsif-II, Gaya. It is next submitted that in the election petition, notices were issued and the defendants appeared, except defendant nos. 1, 2 and 6. Accordingly, the learned Munsif-II, Gaya by order dated 28.03.2022 passed an order recording that the proceeding against them will commence *ex parte*. It is next submitted that thereafter defendant nos. 1 and 6 also appeared. It is further submitted that since the order dated 28.03.2022 had already recorded that the proceeding against defendant no. 2 shall proceed *ex parte*, as such, the learned trial Court should have expedited the matter. It is further submitted that the Election Petition is proceeding at a slow pace and by the time it will be decided the petitioner even after winning the case may lose as the fruits of the order may not come to him on account of efflux of time, thus, prays that a direction be issued upon the learned trial Court to expedite the trial and conclude the same within a time frame.



Learned counsel for the State and the learned counsel for the State Election Commission do not object to the prayer made by the learned counsel for the petitioner but submit that the trial Courts are over burdened with such cases.

Considering the submission made by the learned counsel for the parties, the writ application is disposed of with a direction to the learned trial Court to expedite the case and if possible to conclude the same within a time frame preferably within a period of nine months from the date of receipt/production of a copy of this order, if possible.

(Satyavrat Verma, J)

Kundan/Adnan

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.03.2023
Transmission Date	

