

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

111

CR-964-2023 (O&M)

Date of decision: 10.03.2023

Bhagwan Dass

...Petitioner(s)

Vs.

Election Tribunal-cum-Civil Judge Senior Division, Panipat & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vikram Singh, Advocate for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed seeking direction to learned Civil Judge (Senior Division), Panipat to decide Election Petition No.1 of 2022 dated 07.11.2022 (Annexure P1) filed under Section 176 of Haryana Panchayati Raj Act, to decide the same in time bound manner.

2. Learned counsel for the petitioner inter alia, submits:

a) that elections to the post of Sarpanch were held on 02.11.2022, and present election petition was filed on 7.11.2022 by the petitioner challenging election of respondent No.2 herein as Sarpanch of Gram Panchayat, Ahar;

b) that perusal of zimni orders passed in Election Petition from 07.11.2022 (Annexure P1) to 16.01.2023 (Annexure P10) shows that no progress has been made in the case, and that the

respondents are deliberately delaying the matter by seeking repeated adjournments on one pretext or the other;

c) that as per Section 80(6) of the Punjab State Election Commission Act, 1994, it is mandated that every election petition shall be tried as expeditiously as possible and every endeavour shall be made to conclude the trial within a period of six months from the date of institution;

d) that though such a provision does not exist in State of Haryana, however, said urgency would apply to present case as well. It is accordingly, prayed that direction be issued to learned trial Court to decide the afore mentioned election petition expeditiously.

3. I have heard learned counsel for the petitioner.

4. I find merit in the submissions advanced on behalf of the petitioner.

5. Perusal of zimni orders Annexure P-1 to Annexure P-10 shows that the matter is being adjourned time and again. No doubt, there is no *pari materia* statutory provision in Haryana, as Section 80(6) of the Punjab State Election Commission Act, 1994, whereunder it is mandated that every election petition shall be tried as expeditiously as possible and disposed of preferably within a period of six months from the date of institution, however, said urgency would apply to present case as well. This Court, in **CR No. 3427 of 2015 'Saroj Rani Vs. Election Tribunal and Others'** and **CR No. 7414 of 2018 'Sakunat Vs. Kherunisha & Others'** has, in similar cases directed that election petitions therein be disposed of expeditiously preferably within three and six months

respectively. As the total term of the panchayat is five years, this Court has further held in **Saroj Rani** (supra), that *“Considering the fact that responsibility of conducting elections of Municipal Councils and Gram Panchayats has been entrusted to the State Election Commission (for short ‘the Commission’) under the Act, it is the duty of the Commission to monitor filing and disposal of all the election petitions to ensure that those may not become infructuous with lapse of time as the period for which a candidate is elected may not be over during the pendency of the petition.”*

6. For the facts as canvassed above, Notice of Motion is being dispensed with as that will only further delay the present matter; and present petition is **allowed** and disposed of with direction to learned Civil Judge (Senior Division), Panipat to dispose of election petition No.1 of 2022 dated 07.11.2022 in a time bound manner, preferably within six months from receiving certified copy of this order. If the respondents are aggrieved by passing of the present order they are at liberty to approach this Court by filing of an appropriate application in this regard.

7. Pending application(s) if any also stand(s) disposed of.

10.03.2023

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No