

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CR-5099-2023

Date of Decision : 04.09.2023

Sandeep Kumar

....Petitioner

Versus

Election Tribunal-cum-Civil Judge
(Junior Division), Jind and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Divyam Singh Dhakla, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. Instant revision petition has been preferred by the petitioner seeking appropriate directions to respondent No.1-Election Tribunal-cum-Civil Judge (Junior Division), Jind to consider and decide the Election Petition No.01 of 2022 instituted on 21.11.2022 titled as 'Sandeep Kumar Vs. Suresh and others' (Annexure P-1).

2. Learned counsel for the petitioner has referred to the judgments of the Coordinate Benches of this Court in the case of ***Saroj Rani Vs. Election Tribunal and others, bearing CR No.3427 of 2015, decided on 28.05.2015; Sakunat Vs. Kherunisha and others, bearing CR No.7414 of 2018, decided on 31.10.2015 and Bhagwan Dass Vs. Election Tribunal-cum-Civil Judge Senior Division, Panipat and others, bearing CR No.964 of 2023, decided on 10.03.2023*** wherein in somewhat similar circumstances, directions have been issued to the Election Tribunal to decide the election petition in a time bound manner.

3. Notice of motion to respondents No.1 and 3 only.

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4. On the asking of the Court, Mr. Rajbir Singh, D.A.G., Haryana, who is present in the Court, accepts notice on behalf of respondents No.1 and 3.

5. I have heard learned counsel for the petitioner.

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

7. Perusal of zimni orders Annexure P-2 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*

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over during the pendency of the petition.”

8. Consequently, the present petition is disposed of with a direction to respondent No.1-Election Tribunal-cum-Civil Judge (Junior Division), Jind to decide the Election Petition No.01 dated 21.11.2022 titled as ‘Sandeep Kumar Vs. Suresh and others’ (Annexure P-1) expeditiously preferably within six months, from receiving certified copy of this order.

9. Keeping in view the facts and circumstances of the case, this Court is not inclined to issue notice to respondents No.2 and 4 as it will only delay the present matter. However, respondents No.2 and 4 are at liberty to approach the Court by moving an appropriate application, if so aggrieved.

04.09.2023
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No