

CR-6043-2023

Date of Decision: 12.12.2023

Alka Yadav

...Petitioner

Versus

Election Tribunal-Cum-Civil Judge Senior Division and another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**Present:** Mr. Vinay Kumar Pandey, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for directing the Election Tribunal-cum-Civil Judge (Senior Division), Kharkhoda, District Nuh to decide the Election Petition filed by the petitioner, to challenge the validity of election of Sarpanch in Village Mohammadpur Ahir, Tehsil Tauru, District Nuh, in a time bound manner.

2. Learned counsel for the petitioner submits that the Panchayati Elections were held in the State of Haryana and on 02.11.2022, elections for the post of Sarpanch, Gram Panchayat of Village Mohammadpur Ahir, Tehsil Tauru, were held. It has been further submitted that the official respondents did not conduct the elections in a fair manner. It was alleged that a number of votes were got casted by respondent No.2 on the fake and forged IDs, details whereof were given in the Election Petition. The matter was also brought to the notice of Presiding Officer on polling booths but he did not bother as he was in collusion with respondent No.2. Resultantly, on the basis of false and forged votes, respondent No.2 won and was declared Sarpanch, defeating the petitioner by 25 votes.

3. Aggrieved by the aforesaid situation, petitioner filed Election

Petition before the Court at Nuh, which is still pending. In that petition, respondent No.2 is using delaying tactics and the case is being adjourned from one date to another. Respondent No.2 has already taken charge of the post of Sarpanch and now, has started functioning on the said post. He further submits that one application after another is being filed at the instance of respondent No.2 by some third person and now one application is filed that petitioner has not stepped into the witness box. It is the basic law that petitioner is required to step into witness box unless allows to be examined afterwards. He further submits that petitioner is ready to appear. It has, therefore, been prayed that the court of learned Civil Judge (Senior Division), Kharkhoda, District Nuh be directed to decide the aforesaid Election Petition in a time bound manner.

4. I have heard learned counsel for the petitioner and have also perused the case file.

5. Keeping in view the fact that if Election Petition is not decided expeditiously and if elected candidate completes her tenure, then purpose of filing Election Petition would be actually frustrated. So, this Court is of the opinion that ends of justice would be met if Election Petition filed by the petitioner is decided expeditiously. So, without expressing any opinion on the merits of the matter, the learned Civil Judge (Senior Division), Kharkhoda, District Nuh is directed to decide the Election Petition filed by the petitioner within nine months positively. It is further directed that no unnecessary adjournment shall be granted.

6. The present revision petition stands disposed of in the aforesaid terms.

12.12.2023*Parveen kumar***(GURBIR SINGH)
JUDGE**

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No