

2023:PHHC:150396

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

115

CR-7079-2023

Date of Decision: 24.11.2023

Lakhwinder Singh

....Petitioner.

Versus

Gurmail Singh and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Avtar Singh Khinda, Advocate for the petitioner.

Lalit Batra, J.(Oral)

This Civil Revision Petition under Article 227 of the Constitution of India has been filed by the petitioner seeking direction to respondent No.3 (Sub Divisional Magistrate, Bholath exercising the powers of Election Tribunal) to decide the election petition bearing No.1 of 2019 titled 'Lakhwinder Singh Vs. Gurmail Singh and another' in a time-bound manner.

Learned counsel for the petitioner *inter alia* contends that election petition under Sections 74, 76, 89 and 90 of the Punjab State Election Commission Act, 1994 (in short 'the Act') to challenge the election of respondent No.1 was moved before the Election Tribunal on 23.01.2019 and till date that election petition is pending before the Election Tribunal for adjudication. He further submits that Sub-Section (6) of Section 80 of the Act envisages 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 on which the election petition is

election petition is pending before the Election Tribunal for the last about five years, in view of Sub-Section (6) of Section 80 of the Act, every endeavour is to be made at the instance of respondent No.3 to dispose of the same as expeditiously as possible.

Notice of motion to respondent No.3 only.

Mr. Karan Puggal, Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.3. Complete copy of paper book has been supplied to him. He submits that every endeavour shall be made at the instance of State to dispose of the abovesaid election petition as expeditiously as possible.

In view of above, although, this Court will not issue any mandate to the learned Election Tribunal, but at the same time taking into consideration the fact that election petition is pending since January 2019 and the tenure of an elected Sarpanch is 05 years, therefore, it would be appropriate to dispose of the present petition with a request to respondent No.3 – Sub Divisional Magistrate-cum-Election Tribunal, Bholath, to look into and decide election petition dated 23.01.2019 (Annexure P/1) in accordance with Sub-Section (6) of Section 80 of the Act.

(LALIT BATRA)
JUDGE

24.11.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No