

Court No. - 32

Case :- WRIT - C No. - 25120 of 2021

Petitioner :- Smt. Gayatri

Respondent :- District Election Officer / District Collector
District - Jaunpur And 5 Others And 5 Others

Counsel for Petitioner :- S.K. Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Rohit Ranjan Agarwal,J.

Heard Sri R.K. Ojha, learned Senior Counsel for the petitioner and learned Standing Counsel for the respondents State.

This writ petition has been filed seeking a direction upon prescribed authority/Sub Divisional Officer to conclude the election petition filed under Section 12-C of U.P. Panchayat Raj Act within shortest span of time.

It is contended that petitioner who lost election of Gram Pradhan had filed an election petition on 29.05.2021. In the said matter, notices were issued on 21.06.2021 fixing 12.07.2021 but the said matter has not been concluded till date despite three months have passed and the proceedings are summary in nature and the term of Pradhan is only for 5 years and the prescribed authority is not proceeding with the matter.

I have heard counsel for the parties and perused the material on record.

From the perusal of the order-sheet, it transpires that after 12.07.2021, out of 8 dates fixed by prescribed authority, lawyers were on strike on 6 occasions. As the contesting respondent has already appeared before court below and was granted last opportunity for filing written statement on 06.09.2021, this Court finds no occasion to direct the authorities to conclude the election proceedings within fixed frame of time, looking at the conduct of lawyers who are constantly on strike.

Sri R.K. Ojha, learned Senior Counsel tried to impress upon the fact that proceedings are summary in nature and tenure of Pradhan is only of five years and in case election dispute is not concluded expeditiously, the matter would become infructuous by efflux of time.

It is no doubt true that authorities are under bounden duty to conclude the election dispute at the earliest and procedure has been prescribed in the rules for conduct of election petition, but

this Court finds that functioning of courts below is hampered by constant strike of lawyers and smooth functioning is not possible.

This Court finds that in number of cases which are coming up for consideration, the order-sheet reveals that in most of cases the election petition is not able to proceed due to lawyers abstaining from work.

This Court finds that direction issued will be of no use, once the lawyers are abstaining from work and not permitting the officers to work and litigants to enter the campus, the effort made by Court through directions go unattended.

The present case is a glaring example of conduct of lawyers of court below, in the manner in which they are running the courts and not permitting the courts to function regularly, has caused great loss to litigants and society.

It is a serious matter, and some way out has to be found so that litigants do not suffer at the hands of lawyers who resist and create obstacle in working/functioning of court below.

Especially in the matters where there are election disputes and the term is for fixed period, a mechanism has to be developed so that the cases are taken up despite the lawyers being on strike and the litigant does not suffer.

Considering the facts and circumstances of the case, I find that as in the present case, contesting respondent has appeared before the court below and conduct of lawyers is hampering the work of court and not letting the matter proceed, petitioner is directed to move an application before the concerned authority/court within 15 days from today for early fixture of the matter and to proceed with the case without help of lawyers, with the presence of litigants and decide the case strictly in accordance with law.

With the aforesaid observations, writ petition stands disposed of.

Order Date :- 26.10.2021

V.S.Singh