

Court No. - 2

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Case :- MISC. BENCH No. - 13366 of 2021

Petitioner :- Anita

Respondent :- State Of U.P. Thru Prin. Secy. Panchayat Raj Deptt. & Ors.

Counsel for Petitioner :- Amit Kr. Singh Bhadauriya, Mudit Agarwal

Counsel for Respondent :- C.S.C., Anupras Singh, Anurag Kumar Singh

Hon'ble Rajan Roy, J.

Hon'ble Saurabh Lavania, J.

Supplementary affidavit filed on behalf of petitioner is taken on record.

Heard Shri S.K. Kalia, learned Senior Counsel assisted by Shri Amit Kumar Singh Bhadauriya, Shri H.P. Srivastava, learned Additional Chief Standing Counsel for the State and Shri Anurag Kumar Singh, learned counsel for the Election Commission.

This writ petition has been filed by one of the candidates for election to the office of Zila Panchayat President, District-Sitapurpur.

A supplementary affidavit has also been filed which has been requisitioned by us from the registry.

In nutshell the contention of learned Senior Counsel appearing for the petitioner along with Shri Bhadauriya is that immense pressure is being exercised on the candidates, their relatives and agents so as to influence the elections in favour of the private opposite party who is affiliated with the Ruling party of the State. First Information Reports are being lodged against relatives of the candidates etc. as is mentioned in supplementary affidavit. The apprehension is that the election would not be free and fair. Hence the prayer is for appointment of Observer by the Court and for videography of the election process. There is also a prayer that helpers be provided to voters in accordance with the Circular of the Election Commission dated 30.11.2010. It is also prayed that the elections be conducted strictly in accordance with the Uttar Pradesh Zila Panchayat (Election of President and Vice President and Settlement of Election Disputes) Rules, 1994 and Circular dated 30.11.2010. The contention is that at the behest of the opposite party no. 8, every attempt is being made to ensure her success in the elections by manipulating things in her favour in violation of law of the land.

Shri Anurag Singh, learned counsel for the Election Commission submits that in a similar writ petition pertaining to

District Lakhimpur Kheeri bearing No. 1284 (M/B) of 2021 this Court has directed the Election Commission to ensure that elections are held strictly in accordance with law. He also invited our attention to the fact that one Sushl Kumar Patel, Joint Managing Director, U.P. Jal Nigar, who is an I.A.S. Officer has already been appointed as Observer for the elections in question based on the names of officers provided by the State Government on the requisition of the Election Commission. As regards videography he says that the said provision is contained in the Circular dated 30.11.2010 and this practice has been followed in the subsequent elections and will be followed in this elections also for which an order dated 25.06.2021 has already been issued. The said orders also contain a provision for providing helpers to voters, therefore, all the prayers have been taken care of by the Election Commission. He assures the Court that the directions of the Election Commission shall be implemented by the Officers who at present are under the control and command of the Election Commission in letter and spirit and any attempt to influence the elections in any manner shall be dealt with utmost severity but in accordance with law.

The contention of learned Senior Counsel for the petitioner is that no doubts on paper every direction has been issued but the question is of their proper implementation on the ground level.

Dr. L.P. Misra, learned counsel for opposite party no. 8 submits that the petitioner has not approached the Election Commission, though, he says that he has.

List/ put up on **09.07.2021.**

The Election Commission is directed to ensure free and fair elections and to strictly implement the circulars/orders referred hereinabove which have been issued by it as is expected of it under the Constitution.

We are keeping this matter pending only to have a feedback as to what actually transpires on the date of election so that the larger issues involved herein, if necessary, may be considered by this Court even if the elections have been held. The Election Commission shall file a report in this regard before the next date.

The name of Dr. L.P. Misra, Advocate shall be shown as counsel for opposite party no. 8 when the case is listed next.

(Saurabh Lavania,J.) (Rajan Roy,J.)

Order Date :- 1.7.2021
R.K.P.