

(2005) 04 DEL CK 0035

In the Delhi High Court

Case No : EP 2 of 2004 and IAs. 797, 1651 and 2420/05

Mohd. Akram Ansari

APPELLANT

Vs

The Chief Election Commissioner and Others

RESPONDENT

Date of Decision : 25-04-2005

Acts Referred:

Citation : (2005) 04 DEL CK 0035

Hon'ble Judges : Vikramajit Sen, J

Bench : Single Bench

Advocate : P.N. Lekhi and Ravinder Kumar, for the Appellant; S. Musharaff, Proxy counsel for Respondent No. 4, Zafar Sadique and Mohd. Sajid for Respondent No. 5 and Party in Person, for the Respondent

Judgement

Vikramajit Sen, J.—This election petition had originally been assigned to the Court of R.C. Chopra, J. On 24.9.2004 His Lordship had ordered that the petition be assigned to the Original Side. The Hon"ble Chief Justice thereupon assigned the case to me. On 19.11.2004. I had ordered that in view of the pendency of Election Petition No. 3/2004, list this petition bearing Election Petition No. 2/2004 on 23.11.2004 before Hon"ble the Chief Justice for appropriate orders. Hon"ble the Chief Justice thereupon also assigned Election Petition No. 3 to me.; I framed Issues on December 7, 2004; I was then on the Original Side of this Court.

2. Some objections had been raised that an election petition must be heard by the Court to whom it had been originally assigned. I have perused the provisions of the Representation of People Act, 1951 prior to the amendment incorporated therein by Act 47 of 1966 as well as the statute in its present form. I am unable to find any provision which indicates that an election petition must be heard only on the Original Side of this Court. Therefore, it need not have been listed before the Original Side and could have continued to be heard by R.C. Chopra, J., unless His Lordship for any other reason desired to recluse himself. There is also no mandate to the effect that an election petition must be heard only by the Court to which it was originally assigned.

3 List this matter for further orders on 26.4.2005.