

(2005) 04 DEL CK 0026

In the Delhi High Court

Case No : EP 3 of 2004 and is 1655, 2424 and 2442/05

Shri Naved Yar Khan and Others

APPELLANT

Vs

Shri Haroon Yusuf and Others

RESPONDENT

Date of Decision : 25-04-2005

Acts Referred:

Citation : (2005) 04 DEL CK 0026

Hon'ble Judges : Vikramajit Sen, J

Bench : Single Bench

Advocate : Party in Person for Petitioner No. 1, P.N. Lekhi and Ravinder Kumar, for Petitioner No, for the Appellant; None, 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 appropriate Bench on the Original Side. The Hon"ble Chief Justice thereupon assigned the case to Mukul Mudgal, J.; on 19.11.2004 His Lordship ordered that the case be placed before me because another election petition had been assigned to me. Accordingly the Hon"ble Chief Justice assigned the present case to me; I framed Issues on December 7, 2004; I was then on the Original Side of this Court.

2. 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.