

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 10999-11000 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 25993-25994 OF 2018]

USHA DEVI

Appellant(s)

VERSUS

BIBHA DEVI & ORS.

Respondent(s)

J U D G M E N T

1. Leave granted.

2. The whole dispute in this case pertains to the election to the post of Mukhiya to the Gram Panchayat Kansi, District Darbanga, Bihar.

3. It is not in dispute that at the time of declaration of results, the votes of one booth, namely Booth No. 8, though counted, were not included in the result sheet. In that process, the first respondent herein was declared as the Mukhiya. The appellant herein challenged the election. The dispute has traveled through several rounds of litigation. Finally, the Election Tribunal ordered re-totaling. That has been challenged before the learned Single Judge of the High Court.

4. Against an interim order passed by the learned Single Judge, a Letters Patent Appeal was filed before the Division Bench of the High Court. In the meantime, the writ petition was sought to be amended. We do not want to go into the various other details as to how the litigation was sought to be protracted.

5. It is seen from Annexure P9, which shows the votes including the votes of Booth No. 8 (Form 21 as per Rule 81(1)) that the appellant herein had scored 1565 votes whereas the first respondent had scored only 1557 votes. No technicality shall stand against the will of the people expressed through their votes. Only on account of laches on the part of Returning Officer, it is unfortunate that the first respondent has been continuing as Mukhiya despite not being the successful candidate. The parties have been in litigation for the last 2 ½ years. For the sake of purity of the democratic process of election, we are of the view that the litigation should be given a quietus.

6. Accordingly, these appeals are disposed of as follows:-

(i) Civil Writ Jurisdiction Case No. 13244 of 2017 and LPA No. 916 of 2018 pending before the High Court are dismissed.

(ii) The Returning Officer is directed to formally notify the result forthwith and take steps to administer oath to the appellant. This process shall be completed within one week from today.

.....J.
[KURIAN JOSEPH]

.....J.
[DEEPAK GUPTA]

.....J.
[HEMANT GUPTA]

New Delhi;
November 15, 2018.