

S U P R E M E

C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).13161/2013

(From the judgement and order dated 14/03/2013 in CMWP No.7517/2013 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE ELECTION COMMISSIONER

Petitioner(s)

VERSUS

SUJEET KUMAR SINGH & ORS.

Respondent(s)

(With appln(s) for directions and prayer for interim relief and office report )

I.A. NOS. 4-5 (Application for intervention and directins)

Date: 02/05/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s)

Dr. Rajeev Dhavan, Sr.Adv.  
Mr. Ravi Prakash Mehrotra, Adv.  
Mr. Vibhu Tiwari, Adv.

For Respondent(s)

Mr. Harish Pandey, Adv.  
  
Mr. S.P. Singh, Sr.Adv.  
Mr. Anil Kumar Gupta-II, Adv.  
Mr. Biswajit Sapan Metei, Adv.  
  
Mr. R.K. Das, Sr.Adv.  
Mr. Upendra Mishra, Adv.  
Mr. C.D. Singh, Adv.

For RR-2

Mr. Ashok Kumar Gupta, Adv.

UPON hearing counsel the Court made the following  
O R D E R

I.A. No. 4 - application for intervention is allowed.

It has been brought to our notice that the candidate whose election was countermand has been

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subsequently regularized.

Therefore, it is not necessary

to examine the issue on merits.

Although, we are not

going into the merits of the issue, we make it clear that

all questions of law with regard to powers of superintendence of the Election Commission are kept open.

Furthermore, we are of the opinion that it was wholly unnecessary for the High Court to make the remarks contained in paragraphs 35 and 39 of the impugned judgment. The following remarks contained in paragraphs 35 and 39 are hereby expunged from the impugned judgment :-

"Para 35 "The records clearly demonstrate that the State Election Commissioner instead of taking steps to ensure security and to remove the allegedly reported fear from the minds of the electors fell into persuasion of the State Government, which appears to be clearly based upon the political considerations to exercise the power, which he did not possess to countermand the elections."

Para 35 "The circumstances of the case establish that either the State Election Commissioner does not have the knowledge and understanding of his powers, or he was not prepared to act independently keeping himself away from influence of the State Government."

Para 39 "In our view the State Election Commissioner has not demonstrated the impartiality expected from him to deal with the situation, in

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exercising the powers vested in him by the Constitution of India."

The special leave petition is disposed of in the above terms.

In terms of the disposal of this special leave petition, no orders are required to be passed on I.A. No.5 - application for necessary direction and to dismiss the special leave petition as infructuous.

(Sukhbir Paul Kaur)  
Court Master

(Indu Bala Kapur)  
Court Master