

Court No. - 3

Reserved

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 33 of 2022

Petitioner :- Rishi Kumar Trivedi

Respondent :- Election Commission Of India Thru. Chief Election Commissioner And Anr.

Counsel for Petitioner :- Sri Shailendra Srivastava, Vijyant Nigam

Counsel for Respondent :- C.S.C., Vijay Vikram Singh

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Suresh Kumar Gupta, J.

Heard Sri Shalendra Srivastava, learned counsel for the petitioner, Sri O.P. Srivastava, learned Senior Counsel assisted by Sri Kaushalendra Yadav and Sri Vijay Vikram Singh for Election Commission of India as well as Sri Ran Vijay Singh, learned Addl CSC who has put in appearance on behalf of the State through virtual mode.

By means of this writ petition, the petitioner has prayed mainly for the following relief:

a) Issue a writ, order or direction in the nature of mandamus, directing the opposite parties not to conduct in the month of February & March, 2022 and postpone the General Legislative Assembly Election-2022 of the State of U.P. till normalization of the Corona Pandemic."

It is to be noted that a PIL is bound to be filed after undertaking deep research not only on the aspect of cause of action but the relevant facts and applicability of law in relation thereto as well.

In the present case, this Court finds that the petitioner has not troubled even for gathering a copy of the notification whereunder the U.P. General Assembly Elections or first phase election was notified. A writ of mandamus without assailing the decision of Election Commission of India notifying the U.P. General Assembly Elections in phases, in procedurally invalid and non-maintainable.

We have already dismissed *PIL No. 17 of 2022 (Atul Kumar and another v. Election Commission Of Bharat and another)* by putting on record the reasons that merit for rejecting misconceived prayers impeding election process in the State assembly as is the case at hand.

We reiterate the reasons already put on record and are not convinced to interfere on the basis of a ground i.e. Pandemic which the Commission, being a constitutional body, must have taken into consideration, with utmost responsibility. The writ petition filed in public interest for want of maintainability is accordingly dismissed.

Order Date :- Jan 28, 2022

Fahim/-