2026:AHC:238365

# HIGH COURT OF JUDICATURE AT ALLAHABAD

**WRIT - C No. - 27639 of 2025**

Sunil

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

| | | |
|---|---|---|
| Counsel for Petitioner(s) | : | Tanisha Jahangir Monir, Vinod Kumar Kushwaha |
| Counsel for Respondent(s) | : | Anand Mohan, Ashish Kumar, C.S.C., Deepak Kumar Pandey, Subodh Pandey |

**Court No. - 36**

**HON'BLE SAURABH SHYAM SHAMSHERY, J.**

1. Heard Sri Vinod Kumar Kushwaha, learned counsel for petitioner, Sri Prabhakar Tripathi, learned Standing Counsel for State-Respondents and Sri Pradyumn Kumar, Advocate holding brief of Sri Anand Mohan, Advocate for contesting-respondent.

2. Petitioner before this Court is a returned candidate (Pradhan). Contesting-Respondent (defeated candidate) has filed an election petitioner which was finally dismissed by a detailed order dated 05.07.2024. Election petitioner thereafter filed an application to review the said order purportedly on 25.07.2024 and on 01.04.2025 said application was allowed and order dated 05.07.2024 passed on election petition was set aside by a very short (five line) order. For reference said order is reproduced hereinafter:

> "पत्रावली पेश हुयी, आदेश दिनांक 05.07.2024 निरस्त कर वाद को अभिलेखों एवं साक्ष्य को ध्यानित तथा विधिवत् गुणदोष के आधार पर निर्णीत किये जाने हेतु पुर्नस्थापना प्रार्थना पत्र दिनांक 25.07.2024 को प्रस्तुत किया गया। पुर्नस्थापना प्रार्थना पंत्र स्वीकार कर पूर्व पारित आदेश दिनांक 05.07.2024 निरस्त कर वाद पुर्नस्थापित किया जाता है।"

3. Aforesaid order does not assign any reason to allow review application.

Even it has not mentioned, whether parties were heard or not.

4. Subsequently, the matter was heard again on review application and vide an order dated 30.07.2025, again review application was allowed and order dated 05.07.2024 was set aside, though this time some reasons were assigned.

5. When the Court confronted counsel for parties, how an order which was already set aside could be set aside subsequently also, no reasonable explanation was provided, therefore, this Court has passed following order on 19.11.2026 summoning author of impugned order through Video Conferencing:

> "1. Let the Sub Divisional Magistrate (Judicial), Chitrakoot shall remain present before this Court either in person or through Video Conferencing tomorrow at 12. P.M.
>
> 2. Put up on 20.11.2026 at 12. P.M."

6. Today, author of impugned order, i.e., present Sub Divisional Magistrate (Judicial), Chitrakoot, appeared through Video Conferencing. Surprisingly, he appeared from his Drawing Room and not from Office giving an explanation that internet facility is better at his Home and he is sitting at Home with permission of District Magistrate concerned. It is more surprising that why District Magistrate allow him to appear from his Drawing Room, when he has to address this Court. Even if internet facility was not available at his office, the District Magistrate can allow him to appear from his Office, i.e., Office of District Magistrate and for that the Court directs to call an explanation from said Sub-Divisional Magistrate as well as concerned District Magistrate also.

7. The author of impugned order appearing through Video Conferencing has tried to explain that order dated 01.04.2025 was passed since opposite parties have not come to provide any reply to review application, therefore, it was allowed, though he is not able to explain why no reason was assigned in said order. He further explains that reasons are assigned in subsequent order dated 30.07.2025 though again Court reiterated the query, how an order which was already set aside vide order dated 01.04.2025 could be set aside subsequently vide order dated 30.05.2025 and for that author of impugned order has not been able to show any provision of law since no such provision of law exist.

8. In aforesaid circumstances, the impugned order dated 30.07.2025 is hereby set aside. Though the order dated 01.04.2025 is not impugned in this writ petition but it has to be set aside also being consequence of above order. Accordingly, order dated 01.04.2025 is also set aside. Concerned authority is directed to hear review application afresh and decide the same within a period of four weeks from today. Both parties shall appear before said authority on 26$^{th}$ November, 2026 and shall submit their reply, if any, and also make their submissions. In case it is not possible to conclude hearing on 26$^{th}$ November, 2026 a further date within seven days be fixed so that final order be passed within four weeks.

9. A copy of this order be sent to Chief Secretary Panchayati Raj, Government of U.P. Lucknow to take a decision to initiate an inquiry against Sub-Divisional Magistrate, Chitrakoot in view of observations made in this order if explanation provided by concerned Sub-Divisional Magistrate is not satisfactory.

10. District Magistrate concerned is also put on caution that he must advise officials about the decorum of appearance of any Government Official either in person or through Video Conferencing.

11. With aforesaid observations/ directions, the writ petition is disposed of.

**(Saurabh Shyam Shamshery,J.)**

**November 20, 2026**
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Digitally signed by :-
AWADESH KUMAR
High Court of Judicature at Allahabad