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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ EL.PET. 1/2024, I.A. 31778/2024, I.A. 31779/2024, I.A. 32054/2024
& I.A. 45097/2024

SWATI PATEL

.....Petitioner

Through: Mr. B.P. Sharma and Ms. Samsun
Nihar, Advocates with petitioner in
person and applicant Mr. Raj Kumar
Paswan through VC.

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr. Chetan Sharma, ASG with
Mr. Rakesh Kumar, CGSC, Mr. Gokul
Sharma, G.P. and Mr. Sunil,
Advocate.
Mr. Sidhant Kumar, Mr. Vishal
Chanda and Mr. Om Batra, Advocates
for ECI.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

30.04.2025

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1. The present election petition has been filed assailing 2024 General Elections conducted in Hajipur Constituency situated in Bihar.
2. At the outset, counsel appearing on behalf of the respondent no. 1/ UOI and the respondent no. 2/ Election Commission of India raise an objection that this Court does not have the territorial jurisdiction to adjudicate the present election petition, as the Lok Sabha elections which are challenged in the present petition were conducted in Bihar.

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3. Reliance in this regard is placed on Section 80A(1) and Section 81 of the Representation of People Act, 1951 (hereinafter “the Act”), which are set out below:

“80A. High Court to try election petitions.—(1) The Court having jurisdiction to try an election petition shall be the High Court.

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81. Presentation of petitions.—(1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of section 100 and section 101 to the High Court by any candidate at such election or any elector within forty-five days from, but not earlier than the date of election of the returned candidate, or if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates.

Explanation.—In this sub-section, “elector” means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

(2) [Omitted]

(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.”

[Emphasis supplied]

4. The term High Court has been defined in Section 79 of the Act in the following manner:

“79. Definitions.—In this Part and in Part VII unless the context otherwise requires,—

(e) “High Court” means the High Court within the local limits of whose jurisdiction the election to which the election petition relates has been held;”

5. A reading of the aforesaid provisions makes it abundantly clear that an election petition challenging an election can only be filed in High Court,

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within whose jurisdiction the election under challenge has been conducted.

6. Accordingly, the present election petition is dismissed on the ground of lack of territorial jurisdiction.

7. Needless to state the petitioner shall be free to take such remedies as may be available in law.

8. All the pending applications are also closed.

AMIT BANSAL, J

APRIL 30, 2025

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