

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13355 of 2014

Suresh Paswan s/o Late Sudim Paswan, resident of village+ Post- Rahikpur, Teela
mohan, P.S.- Simraha, Forbisganj, District- Araria

.... Petitioner/s

Versus

1. The Union of India through, Chief Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi- 110001
2. The Under Secretary, Chief Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi
3. The State of Bihar through Chief Electoral Officer, Bihar, Patna
4. District Election Officer-cum-District Magistrate, Araria (Bihar)
5. Returning Officer cum S.D.O., Forbisganj

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Dr. Shashi Shekhar Kishore

For the Respondent/s : Mr. GP4- UMA SHANKAR

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-07-2015

Learned representing the Election Commission of India
draws the attention of this Court to section 10A and 11 of the
Representation of the People Act, 1951.

If the petitioner has failed to meet the requirement of
rendering account of election expenses within the time and the
manner required under the Act, then the consequences are obvious.

Submission of the counsel for the petitioner is that the
adjudication should have been done earlier and it should relate back to
the period of non-compliance.

Since the relevant facts are not before this Court as to why

adjudication took so long and at whose behest, the Court is willing to give indulgence to the petitioner to take advantage of section 11 of the Representation of the People Act, 1951 to move the Election Commission, satisfy them and if they feel that a case for removal or reducing the period of disqualification is made out, a decision would be rendered, preferably, by 31st August, 2015, if such an application is filed within a week.

Writ application stands disposed of with above observation.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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