

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7495 of 2014

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1. Hare Ram Kunwar S/O Sri Baidyanath Kunwar Resident of Village - Mailam,
P.S. - Andhra Thadhi District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the District Election Officer (Panchayat) cum District Magistrate Madhubani.
2. Returning Officer (Panchayat), Andhara Thadhi, Block and Police Station Andhara Thadhi District - Madhubani.
3. Assistant Returning Officer (Panchayat), Andhara Thadhi, Block and Police Station Andhara Thadhi District - Madhubani.
4. State Election Commission through its Election Commissioner, Sone Bhawan, R. Block Golumber at Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Adv.
For the Respondent/s : Mr. Kumari Amrita, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 06-11-2015

Learned counsel for the petitioner, learned counsel for the State,
learned counsel for the State Election Commission and Mr. Ratnakar
Jha for the private respondents are present.

Mr. Girish Pandey learned counsel appearing for the State
Election Commission submits that the writ petition has been rendered
incompetent by non- compliance of the order passed by this Court on
18.5.2015 whereby notices were directed to be issued to the private
respondent Nos. 5 to 14 and which order has not been carried out. He
submits that in absence of notice to the private respondents which also

includes the returned candidate who is respondent No.5 this writ petition has become incompetent. The position so submitted by Mr. Pandey is also reflected from the office note put up by the office. The office note also reflects that intimation in this regard has been communicated to the counsel for the petitioner as back as on 30.6.2015 but no steps has been taken by him either to rectify the error or to file any restoration application.

In the circumstances the writ petition is dismissed as having become incompetent.

(Jyoti Saran, J)

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