

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9532 of 2015

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Tanik Prasad Yadav Son of Late Ram Bhaju Das resident of village -
Bhatbiga, P.O. Tungi, P.S. Deep Nagar, District - Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary State Election Commission, Old Secretariat, Patna, Bihar
3. The District Magistrate - Cum - District Election officer, Nalanda,
District - Nalanda
4. The Block Development officer, Deep Nagar, District - Nalanda
5. The B.L.O. Deep Nagar, District - Nalanda

.... Respondents

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Appearance :

For the Petitioner : Mr. Pankaj Kumar, Advocate

For the Respondents : Mr. Suman Kumar Jha, A.C. to AAG-5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 08-12-2015 The petitioner's grievance in the present application,

made under Article 226 of the Constitution of India, in the nature

of Public Interest Litigation, is that the residence of the voters of

Village-Bhatbiga, in the assembly election in 2015, has been

incorrectly mentioned as villages- Kalyanpur, Ladaniya Biga,

Sahjadpur and Darogabigha, and though they had given a

representation, in this regard, on 31.05.2015, addressed to the

District Magistrate, Nalanda, who is the District Election Officer,

no action has yet been taken.

Heard Mr. Pankaj Kumar, learned Counsel,

appearing for the petitioner, and Mr. Suman Kumar Jha, learned

Assistant Counsel, to Additional Advocate General No. 5, appearing for the respondents.

The factual assertions, made in the writ application, are not in dispute. We can, however, not lose sight of the fact that though the election to the Legislative Assembly in Bihar, have already been concluded, the grievances of the petitioner, if true, would deny them their exercise of the right to franchise.

Considering, therefore, the matter in entirety and in the interest of justice, respondent No.2, namely, District Magistrate-cum-District Election Officer, Nalanda, is hereby directed to examine the claim of the petitioner in the light of the representation, dated 31.05.2015 (Annexure-2 to the writ application), and pass appropriate order(s), in accordance with law, assigning reason(s) for the decision(s), he may arrive at or reach. A copy of the order, which may be made by respondent No.2, namely, District Magistrate-cum-District Election Officer, Nalanda, be served on the petitioner.

The whole exercise, as directed above, shall be completed within a period of two months from the date of receipt of a certified copy of this order by the petitioner.

If the petitioner or anyone feels aggrieved by the order(s), which may be passed and/or the decision(s), which may

be taken, by respondent No.2, namely, District Magistrate-cum-District Election Officer, Nalanda, the aggrieved person(s) may take recourse to such provisions of law as may be permissible.

With the above observations and directions, this Public Interest Litigation stands closed.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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