

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18493 of 2015

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Sohan Yadav son of Bishundev Yadav, Resident of village- Dhandhawa,
P.S- Bodhgaya, District- Gaya.

.. Petitioner/s

Versus

1. The State of Bihar through the Registrar, Co-operative Society Bihar, Patna, Vikash Bhawan, New Secretariat, Patna.
2. The Joint Registrar, Co-operative Society, Magadh Division, Gaya.
3. The District Co-operative Officer-cum-Election Officer, Gaya
4. The Block Development Officer-cum-Election Officer, Bodh Gaya Dist- Gaya.
5. Sharvan Mahto, son of late Krishna Mahto, Chairman Ilara Primary Agriculture Credit Society, Kurwama Panchayat, Block Bodh Gaya, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Respondent/s : Mr. Satyadeo Kumar, SC-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 07-12-2015 Heard the parties.

The election petition was filed by the petitioner questioning the validity of election on grounds of infracted voter list.

Apart from the fact that the law on this issue is well settled in the judgment of the Supreme Court reported in **AIR 1977 Supreme Court 1992 (Kunwar Nripendra Bahadur Singh Vs. Jai Ram Verma and Ors.)** holding that an infracted electoral roll by itself cannot be a subject matter of an election dispute nor can be the sole basis for upsetting the election result, even on merits the Statutory Authority has found no case for interference.

The legal position so settled stands explained in subsequent

judgment of the Supreme Court reported in **(2000)8 SCC 46 (Shyamdeo Pd. Singh Vs. Nawal Kishore Yadav)** reiterated in **(2010)4 SCC 81 (Laxmikant Bajpai Vs. Haji Yaqoob and Ors.)** whereunder it was held that unless the election petitioner is able to show that the persons allegedly not eligible, have contributed to the success of the returned candidate no ground exists for interference with the election result.

In so far as the case in hand is concerned, it entirely rests on the allegation and nothing further. It is not the case of the petitioner that 'ineligible voters' have contributed to the success of the returned candidate. In the circumstances the election case was rightly rejected and the order impugned requires no interference.

This writ petition is dismissed.

(Jyoti Saran, J)

Bibhash/Deepika-

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