

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10021 of 2013

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Ratnesh Kumar Pathak son of Sri Nawal Kishore Pathak, resident of
Mohalla-Bankipur-Gorakh, Fatuha, Police Station - Fatuhha, District - Patna

.... Petitioner/s

Versus

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1. The State of Bihar, through the Principal Secretary, Department of Urban Development and Housing, Government Of Bihar, Patna
 2. The District Magistrate-cum-District Election Officer, (Municipality) Patna
 3. The Sub Divisional Officer, Patna City-cum-Election Officer, Nagar Panchayat Fatuha, District - Patna
 4. The Sub Divisional Officer, Patna City-cum- Certificate Officer, District - Patna
 5. The Circle Officer, Fatuha Anchal, District - Patna
 6. The State Election Commission, Bihar through its Secretary, Sone Bhawan, 3rd Floor, Birchand Patel Marg, Patna - 800001
 7. The State Election Commissioner, the State Election Commission, Bihar, Sone Bhawan, 3rd Floor, Birchand Patel Marg, Patna - 800001
 8. Smt. Kalawati Devi wife of Sri Bindeshwari Prasad, resident of Mohalla -Bankipur-Gorakh, Ward No. 9, Fatuha, Police Station - Fatuha, District - Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-12-2015

None appears on behalf of the petitioner.

Counsel for the State and Mr. Sanjeev Nikesh for the
State Election Commission are present.

The limited grievance raised in the writ petition is that
the petitioner had filed a Complaint under Section 18(2) of the
Bihar Municipal Act before the State Election Commission
complaining against the declaration made by the private
respondent no. 8 in her nomination form and the enclosures
thereto filed for contesting the election of the Ward Councillors,

Nagar Panchayat, Fatuha in the District of Patna. Annexure-4 shows that the State Election Commission referred the matter to the District Magistrate, Patna for enquiry.

A counter affidavit has been filed in which it is stated that the matter having been enquired into, a report has already been submitted to the Commission for necessary orders.

When the matter is taken up, neither the counsel for the petitioner is here to inform the status nor Mr. Nikesh is in position to inform whether the matter remains pending or is disposed of.

In the circumstances and instead of keeping the writ petition pending, I deem it fit and proper to dispose of the writ petition with a direction to the State Election Commission to consider the complaint filed by the petitioner and dispose of the same in accordance with law and after opportunity of hearing to the respondent no. 8 within a maximum period of nine months from the date of receipt / production of a copy of the order in case the said complaint has yet not been disposed of by the Commission.

The writ petition stands disposed of with the direction aforementioned.

(Jyoti Saran, J)

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