

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20629 of 2013

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Jageshwar Mukhiya son of Late Ramdeo Mukhiya, resident of Village-
Parigawan, P.O. Chak Chikna, P.S. Pupri , District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner
3. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna
4. The District Magistrate, Sitamarhi-cum-District Election Officer (Panchayat), Sitamarhi, District - Sitamarhi
5. Smt. Kiran Devi wife of Sri Swadhin Jha, resident of Village - Musidha Choraut, P.S Pupri, District - Sitamarhi

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Adv.

For the Respondent/s : Mr. Tej Bahadur Singh, AAG-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 07-09-2015 Mr. S.B.K. Manglam, learned counsel for the petitioner, counsel for the State and Mr. Sanjeev Nikesh for the State Election Commission are present and have been heard.

Although the petitioner seeks to question the election of the private respondent no. 5 as the member of the Panchayat Samiti, Choraut in the district of Sitamarhi *inter alia* on grounds that she is not the citizen of India and while making such submission it is also stated that an application to such effect is pending before the State Election Commission under Section

136(2) of the Bihar Panchayat Raj Act but while making such submission it is also stated in paragraph 18 that this Court has held that issues of determination of citizenship is not within the ambit of adjudication by the State Election Commission and has to be adjudicated by an appropriate authority.

In such circumstances no direction can be issued to the State Election Commission to give its opinion on the issue and the writ petition is disposed of with liberty to the petitioner to take recourse to such other remedy that may be available to him in law.

(Jyoti Saran, J)

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