

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No 876 of 2016
IN
Civil Writ Jurisdiction Case No 774 of 2016**

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Sri Girendra Kumar Mandal son of Late Kanak Lal Mandal, Resident of village-
Pipra, P.O. Pipra, P.S. Banmankhi, District- Purnea.

.... Appellant/s

Versus

1. The State Election Commission (Panchayat) through the State Election Commissioner, Sone Bhawan, Birchand Patel Path, Patna.
2. The State Election Commissioner, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
3. The District Election Officer (Panchayat), Purnea District- Purnea.
4. The Returning Officer (Panchayat), Banmankhi Block, District Purnea.
5. Prem Kumar Sah, son of Late Bindeshwari Prasad Sah, Resident of Village- Pipra, P.O. Pipra, P.S. Banmankhi, District- Purnea.
6. Sri Aftab Alam, son of Md. Nazrul Hasan, Resident of Village- Bela Badan, P.O. Pipra, P.S. Banmankhi, District- Purnea.
7. Sri Chandra Bhushan Chand, son of Sri Raghunanadan Yadav, Resident of Village- Pipra, P.O Pipra, P.S. Banmankhi, District- Purnea.
8. Sri Chhedi Lal Rishideo, son of Late Gonar Rishideo, Resident of Village- Pipra, P.O Pipra, P.S. Banmankhi, District- Purnea.
9. Smt. Rubi Kumari, wife of Sri Chandra Bhushan Chand, Resident of Village- Pipra, P.O Pipra, P.S. Banmankhi, District- Purnea.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vikram Singh
For the Respondent/s : Mr. Amit Shrivastava

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**CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE JUSTICE SMT NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 21-07-2016

No one is present for the appellant. State Election
Commission is represented.

2 Learned counsel for the State Election Commission

points out that this appeal relates to an election of Mukhiya which was held in the year, 2011 and in relation thereto, the challenge was made before the Election Tribunal. The writ petition was ultimately disposed of on 01.02.2016 with a direction to the Election Tribunal to conclude the trial within 45 days. The appellant is the respondent challenging this on the ground that before such a direction was issued, he was not heard. Learned counsel for the Election Commission points out that this appeal has become infructuous inasmuch as the term of the Mukhiya has already expired and fresh elections have already been held. There being no allegation of corrupt practice, the election petition, thus, abates.

3 Having considered the matter, in our view, the submission is correct.

4 This appeal, for all practical purposes, has become infructuous and is disposed of as such.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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