

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5597 of 2016

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1. Chitranjan Kumar Dubey, son of Late Suchit Dubey, Resident of Village- Tarwar, East Tola, P.O. Tarwar, P.S.- Bheldi, District- Saran at Chapra.
 2. Mohan Singh, son of Late Bhikhari Singh, Resident of Village- Tarwar, East Tola, P.O. Tarwar, P.S.- Bheldi, District- Saran at Chapra.

.... Petitioners

Versus

1. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner
2. The State Election Commissioner, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna
3. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
4. The District Election Officer (Panchayat), Saran at Chapra
5. The District Panchayat Raj Officer, Saran at Chapra
6. The Sub-Divisional Officer, Marhaura, District- Saran at Chapra .
7. The Block Election Officer (Panchayat) Amnour, District- Saran at Chapra
8. Smt. Sharda Devi, wife of Bindeshwari Rai, Resident of Village- Sikarpur, P.O. Tarwar, P.S.- Bheldi, District- Saran at Chapra, presently Mukhiya of Gram Panchayat Raj, Tarwar, District- Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. B. K. Manglam, Advocate
Mrs. Anita Kumari, Advocate
For the Respondent/s : Mr. P.K. VERMA, AAG- 5
For State Election Comm.: Mr. Amti Shrivastav, Advocate
Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 08-04-2016

Heard Mr. Shashi Bhushan Kumar Manglam, learned Counsel, appearing on behalf of the petitioners, and Mr. Prabhat Kumar Verma, learned Additional Advocate General No.5, appearing on behalf of the State-respondents. Heard also Mr. Amit Shrivastava, learned Counsel, appearing on behalf of State Election Commission.



2. With the help of this writ petition, made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, the petitioners seek directions to the respondent authorities to shift the location of polling stations of Ward Nos. 3 and 4 of Gram Panchayat Raj, Tarwar, from its present location in Primary School, Shikarpur (West) and Community Building, Tarwar, as the same are located near the house of respondent No.8, who is presently the Mukhiya of the Gram Panchayat.

3. The petitioners state that the State Election Commission has laid down detailed guidelines in its, letter No. 2114, dated 15.12.2015, for conducting free and fair panchayat elections. As per para 4 (3) (K) of the guidelines, a polling booth is not to be located at a place, which would be more than 2 K.M. from the residence of the voters, and under paragraph 4 (3) (Gh), it is also directed that a polling booth should not be located within the distance of 100 meters from the residence of present Mukhiya or the prospective candidates.

4. The petitioners submit that despite recommendation of the Sub Divisional Officer, the location of the booths has not been changed. The petitioners, in support of their submission, have annexed to the writ petition the voter list of Ward Nos. 3 and 4, which are marked as Annexures- 5 and 5/1 respectively.

5. We find that the petitioners have already made representations before the concerned respondents.

6. The writ application is disposed of with an observation that the respondents would look into the grievances expeditiously and do the needful in accordance with law.

(I. A. Ansari, ACJ.)

(Samarendra Pratap Singh, J.)

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