

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6248 of 2016

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Bijeshwar Singh, son of Late Shiv Nath Singh, resident of Village-
Ghurapali, P.S.- Rasulpur, District- Saran (Chhapra).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State Election Commission, represented through its Secretary, State Election Commission, Bihar, Sone Bhawan, 3rd Veer Chand Patel Path, Patna- 800001.
3. The Commissioner, Panchayati Raj Department, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
4. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
5. The Commissioner, Saran at Chapra.
6. The District Magistrate, Saran at Chapra.
7. The District Panchayat Raj Officer, Saran at Chapra.
8. The Sub-Divisional Magistrate, Saran.
9. The Block Development Officer, Ekma, Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Singh
For the Respondent/s	:	Mr. Ritesh Kumar, SC-33
For the Respondent-SEC	:	Mr. Amit Shrivastava
		Mr. Sanjeev Nikesh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 19-04-2016 Heard Mr. Awadhesh Kumar Singh, learned counsel

appearing for the petitioner, learned counsel for the State and

Mr. Amit Shrivastava, learned counsel appearing for the State

Election Commission.

The petitioner is aggrieved by the notification/
publication in Form -1 made under rule 8(1) and 8(4) of the
Bihar Panchayat Election Rules, 2006 (hereinafter referred to as
'the Rules') in so far as it relates to Balia and Banpura
Panchayat falling under Ekma Block in the district of Saran.

According to the petitioner the voters of Teliyadh Ward No.6 which falls under the Balia Panchayat has been wrongly transferred to the Banpura Panchayat.

A counter affidavit has been filed on behalf of the State Election Commission as well as the State and the entire position stands explained. It is specifically mentioned in the affidavit filed by the District Magistrate, Saran that village-Teliyadh falls in Banpura Panchayat and the total population of village Teliyadh (12) is 1799 as per the 2011 census, of which the Scheduled Caste population is 596 and Scheduled Tribe is 323. It is further stated that village- Teliyadh constituting Ward No.1 and 2 falls in Banpura Panchayat and whereas the number of voters in Ward no.1 is 522, those of Ward No.2 is 618.

It is further explained that there is a village Mathiya in Balia Panchayat in Ward No.6, Thana No.16 which is also known as Teliyadh or Teliyadh Mathiya. The total population of Mathiya as per 2011 census is 647 of which Scheduled Caste population is NIL and Scheduled Tribe population is 30.

It is thus clarified that village Teliyadh is situated in Banpura Panchayat, Ward No.1 and 2, Thana No.12 and in Balia Panchayat there is a village Mathiya Ward no.6, Thana no.16 which is also known as Mathiya Teliyadh or Teliyadh Mathiya.

The position so explained by the District Magistrate

is also supported in the affidavit of the State Election Commission who has enclosed a report furnished by the District Magistrate, Saran in this regard.

Mr. Awadhesh Kumar Singh, learned counsel appearing for the petitioner now endeavours to argue that the voter-list of Balia Panchayat and Banpura Panchayat are overlapping inasmuch as some of the voters of Balia Panchayat are also shown in the voter list of Banpura Panchayat and for which he relies upon a draft voter-list enclosed with the rejoinder. In my opinion these are issues to be raised before the District Magistrate, Saran giving the factual details but which exercise has not been carried out by the petitioner. It goes without saying that if any such dispute is raised by the petitioner before the District Magistrate –cum- District Election Officer, Saran with regard to the overlapping of the voter-list in the territorial constituencies in question at least 2 weeks in advance of the election scheduled, the same shall be considered and disposed of by him expeditiously.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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