

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7532 of 2016

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Satyendra Kumar, son of Late Vishun Yadav, resident of Village-
Ferubigha, Village Panchayat- Tankuppa, P.S.- Tankuppa, District- Gaya.
..... Petitioner/s

Versus

1. The State of Bihar.
 2. The Election Commissioner, State Election Commission, Bihar, Patna.
 3. The District Magistrate, Gaya.
 4. The District Election Officer, Gaya.
 5. The Block Development Officer, Tankuppa, District- Gaya.
- Respondent/s
- =====

Appearance :

For the Petitioner/s	:	Mr. Amar Nath Singh Mr. Binay Kumar
For the Respondent-State	:	Mr. Ajay, GA-12
For the Respondent-SEC	:	Mr. Amit Shrivastava Mr. Sanjeev Nikesh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 02-05-2016 Heard Mr. Amar Nath Singh, learned counsel

appearing for the petitioner, Mr. Ajay, learned Government
Advocate No.12 for the State and Mr. Amit Shrivastava who
appears for the State Election Commission along with Mr.
Sanjeev Nikesh.

The grievance of the petitioner is regarding situs of
Booth no.86 at Tankuppa Community Hall in Village- Karigaon
within Ward No.15 which stands noted in the order of this Court
dated 27.4.2016 and stands confirmed by the District Magistrate
—cum- District Election Officer, Gaya to the State Election
Commission who has admitted that the distance of the polling
booth at Community Hall, Karigaon through the Kachcha road is



2.25 kilometer and through the regular road is 3.25 kilometer. Meaning thereby the District Magistrate, Gaya –cum- District Election Officer does admit that the distance of the polling booth is not strictly in accordance with the guidelines of the State Election Commission dated 15.12.2015 more particularly at paragraph 4 (3) (क).

A counter affidavit has also been filed by the District Magistrate in which it is stated that although these booths were notified in January, 2016 inviting objections from the person concerned in between 27.1.2016 to 5.2.2016 which period is mentioned in the guidelines dated 15.12.2015 enclosed by the petitioner at Annexure-1 but he has not chosen to enclose page 6 of the guidelines which gives the schedule. It is stated that since no objections were received by the District Magistrate, Gaya within the prescribed period that they have acted upon the schedule and for which arrangements have been made for holding election which is due on 6.5.2016 i.e. merely a couple of days ahead.

Mr. Shrivastava, learned counsel appearing for the State Election Commission and the learned State Counsel while admitting to the issue raised by the petitioner in the backdrop of the guidelines submits that it would become very difficult for the

election authorities to arrange for an alternative booth at such last hour for any such exercise would also necessitate calling for objections and which exercise cannot be completed considering that the election is due on 6.5.2016.

Having heard learned counsel for the parties and in the circumstances so explained, this Court even while acknowledging the grievance raised by the petitioner in the backdrop of the guidelines, is not persuaded enough to grant indulgence thereto taking note that the election is scheduled to be held on 6.5.2016. That the petitioner or the villagers of Ferubigha have not chosen to raise any objection on the establishment of booth at Tankuppa Community Hall, Karigaon within the reasonable period so granted under the same guidelines as relied upon by the petitioner, I am not persuaded to exercise my jurisdiction at the last hour.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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