

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10742 of 2016

Madhu Devi, Wife of Pappu Kumar, Resident of Village- Koshdihra, Block+ P.S.-
Barun, District-Aurangabad

.... Petitioner

Versus

1. The State Election Commission, Patna, Bihar
2. The Commissioner, Magadh Range, Gaya
3. The District Magistrate-cum-Chief District Election Officer, Aurangabad
4. The Block Development Officer-cum- Returning Officer, Barun, Aurangabad
5. The Presiding Officer at Booth No. 214, 222, 220, 223 and 225
6. Anjani Devi, Wife of Mukesh, Resident of Village- Tendua, P.S.-Rishiup,
District- Aurangabad
7. Chinta Devi, Wife of Pramod Ram, Resident of Village- Tetarhat, P.S.- Barun,
District- Aurangabad
8. Neeru Devi, Wife of Prem Rajak, Resident of Village- Sinduriya, P.S.- Rishiup,
District- Aurangabad
9. Parvati Devi, Wife of Laldeo Ram, Resident of Village- Ithat, P.S.- Barun,
District- Aurangabad
10. Manju Devi, Wife of Anil Paswan, Resident of Village- Mangurahi, P.S.-
Rishiup, District- Aurangabad
11. Mansha Devi, Wife of Chandrashekhar Paswan, Resident of Village- Ithat,
P.S.- Barun, District- Aurangabad
12. Munni Devi, Wife of Rampravesh Paswan, Resident of Village- Ithat, P.S.-
Barun, District- Aurangabad
13. Ramsheela Devi, Wife of Sithar Paswan, Resident of Village- Tendua, P.S.-
Rishiup, District- Aurangabad
14. Renu Devi, Wife of Satendra Ram, Resident of Village- Ithat, P.S.- Barun,
District- Aurangabad
15. Shanti Devi, Wife of Chandra Paswan, Resident of Village- Mauar Khaira,
P.S.- Barun, District- Aurangabad
16. Sarita Devi, Wife of Anuj Kumar, Resident of Village- Khadokhari, P.S.-
Rishiup, District- Aurangabad
17. Sunita Kumari, Wife of Ran Chandra Rajak, Resident of Village- Mangurahi,
P.S.- Rishiup, District- Aurangabad
18. Somariya Devi, Wife of Baijnath Paswan, Resident of Village- Mangurahi, P.S.-
Rishiup, District- Aurangabad

.... Respondents

Appearance :

For the Petitioner	:	Mr. Santosh Kumar Pandey, Advocate Mr. S.R. Sahi, Advocate
For the State	:	Mr. Chittranjan Sinha, PAAG-2 Mrs. Ratna Kumari, AC to PAAG-2
For the Respondent No. 16	:	Mr. Shailesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 29-11-2016

Heard learned counsel for the petitioner, the State Election Commission, the State of Bihar and respondent no. 16 (winning candidate).

The petitioner has move the Court for a direction to the Court where Election Petition No. 02 of 2016, relating to the election of Mukhiya in Gram Panchayat, Khaira, Block-Barun in the District of Aurangabad, is pending for its disposal.

At the very outset, learned counsel for the petitioner submitted that though the Election Petition has been filed before the concerned Munsif at Aurangabad, but since the last six months, despite notice being issued, the elected candidate i.e. respondent no. 16, has not appeared leading to serious prejudice being caused to the petitioner, as his matter on the one hand is not being taken up and on the other hand, a person who is not eligible to hold office, is enjoying the fruit of such election.

Learned counsel for the respondents agree to the matter being disposed off with a direction to the Court hearing the election petition, for early disposal.

Accordingly, the writ petition stands disposed off with a direction to the concerned Munsif, Aurangabad, who is hearing Election Petition No. 02 of 2016, relating to the election in question, expeditiously and in any case, within a maximum period of five

months positively.

Learned counsel for the respondent no. 16 has assured the Court that on the next date fixed in the case, he shall appear and thereafter co-operate in the proceeding. Any violation shall be taken as a breach of undertaking to this Court.

The petitioner shall file a certified copy of this order before the court below, within one week from today.

(Ahsanuddin Amanullah, J.)

P.K./-

AFR/NAFR	NAFR
Uploading Date	30.11.2016
Transmission Date	