

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13374 of 2016

Manish Kumar son of Sri Ramji Sahani, Resident of Village- Dulaur, P.O. Pirapur, P.S. Jandaha, Block-Jandaha, District- Vaishali at Hajipur, presently Member of Block Panchayat Samiti, Bidupur, P.S. and P.S. Bidupur, District- Vaishali at Hajipur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali at Hajipur, District- Vaishali at Hajipur.
3. The Sub-Divisional Officer, Vaishali at Hajipur, District- Vaishali at Hajipur.
4. The Block Development Officer, Jandaha, District- Vaishali at Hajipur.
5. Jai Shankar Chaudhary Son of Not known to the petitioner, Presently Pramukh of Block Panchayat Samiti, Jandaha through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti, Jandaha , District- Vaishali at Hajipur.
6. Sangita Kumari Wife of Not known to the petitioner, Presently Up- Pramukh of Block Panchayat Samiti, Jandaha through the Block Development Officer-cum- Executive Officer, Block Panchayat Samiti, Jandaha, District- Vaishali at Hajipur.
7. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
8. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand, Patel Path, Patna.

.... Respondents

Appearance :

For the Petitioner/s : Mr. S.B.K. Mangalam, Advocate
For the Respondent/s : Mr. Amit Srivastava, Advocate
Mr. Sanjeev Nikesh, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-08-2016

Heard parties.

The petitioner claims that he has filed Annexure-3 which is a petition under Section 40 (4) of Bihar Panchayat Raj Act, 2006 in view of the instruction of the State Election Commission published in the State Gazette, a copy of which has been appended as Annexure-1,

especially clause 19 (iv), challenging the election of Pramukh of Panchayat Samiti Jandaha of District-Vaishali at Hajipur.

Though the mandate under such instruction is that such dispute has to be decided within two months, the grievance of the petitioner is that nothing has been done till date though the same was filed on 2.07.2016.

Admittedly, the Annexure-3 was filed on 2.07.2016 and the writ petition has been prematurely filed without waiting for two months, which has been provided under the aforesaid instruction, however, the same is being disposed of with a direction to the District Magistrate, Vaishali at Hajipur to take a final decision on Annexure-3 on its own merit and in accordance with law after granting reasonable opportunity to all the concerned with a period of six weeks from the date of receipt/production of a copy of this order, if the same has already not been done.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.09.2016
Transmission Date	N.A.