

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.13356 of 2016**

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Md. Jakir Hussain, Son of Late Basiruddin Resident of Village- Patila Bhara, P.O. and P.S. Pothia, District- Kishanganj, presently Member of Block Panchayat Samiti, Pothia, P.O. and P.S.- Pothia, District- Kishanganj.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Pamchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Kishanganj.
3. The Sub Divisional Officer, Kishanganj, District- Kishanganj.
4. The Block Development Officer, Pothia, District- Kishanganj.
5. Smt. Pakiza-e-Zaman wife of Sri Azmal Akhtar, Presently Pramukh of Block Panchayat Samiti, Pothia, P.O. and P.S. Pothia, District- Kishanganj.
6. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
7. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.

.... .... Respondents

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**Appearance :**

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|----------------------|---|--------------------------------------|
| For the Petitioner/s | : | Mr. S.B.K. Mangalam, Advocate        |
| For the State        | : | Mr. Sanjeet Kumar Singh, AC to AAG-6 |
| For the Commission   | : | Mr. Amit Srivastava, Advocate        |
|                      |   | Mr. Sanjeev Nikesh, Advocate         |

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**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, specially clause 19 (iv), challenging the election of Pramukh of Panchayat Samiti Pothia of District-Kishanganj.

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 22.06.2016.

Accordingly, this writ application is being disposed of with a direction to the District Magistrate, Kishanganj to take a final decision on its own merit on Annexure-3 after granting reasonable opportunity to all the concerned expeditiously but not later than six weeks from the date of receipt/production of a copy of this order.

**(Dr. Ravi Ranjan, J)**

V.K. Pandey/-

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| AFR/NAFR          | N.A.F.R.   |
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