

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18527 of 2016

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Syed Abid Hussain, S/o Late Md. Zakir Hussain, Resident of Mohalla-Ruidhasa
(Ward No. 23), P.S. Kishanganj, District-Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Secretary, Urban Development Department, Government of Bihar, Patna.
3. The State Election Commission, Bihar, Patna through its Secretary.
4. The Secretary, State Election Commission, Bihar, Patna.
5. The District Magistrate-cum-District Election Officer (Municipality), Kishanganj.
6. The Executive Officer, Nagar Parishad (Municipal Council), Kishanganj.
7. The District Sub-Election Officer (Municipality), Kishanganj.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 19243 of 2016

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Jamshed Alam, S/o Late Jamil Ahmad, Resident of Mohalla- Mohiuddinpur (Ward
No. 1), P.S. - Kishanganj, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Secretary, Urban Development Department, Government of Bihar, Patna.
3. The State Election Commission, Bihar, Patna through its Secretary.
4. The Secretary, State Election Commission, Bihar, Patna.
5. The District Magistrate-cum- District Election Officer (Municipality), Kishanganj.
6. The Executive Officer, Nagar Parishad, (Municipal Council) Kishanganj.
7. The District Sub-Election Officer (Municipality), Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh with Mr. Neeraj Raj, Advocates.
For the State	:	Mr. Rajiv Roy, G.P.-1 Mr. Arun Kumar, AC to GP-1.
For the Election Commission	:	Mr. Amit Shrivastava, Mr. Girish Pandey with Mr. Sanjeev Nikesh, Advocates.
For the Kishanganj Nagar Parishad	:	Mr. Bindhyachal Rai, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT



Date: 07-12-2016

Heard learned counsel for the parties.

The grievance in the writ petitions is with regard to reservation of constituencies which had to be done on the basis of 2011 census figures but the allegation was that in Wards No. 23 and 1, respectively, in the district of Kishanganj, the figures relating to Scheduled Tribes, was incorrect.

Counter affidavits have been filed on behalf of the respondents in which the certified figures of the 2011 census have been brought on record. The Court has perused the materials on record and is satisfied that the publication of Form-6 does not suffer from any error, much less any illegality, as far as Wards No. 23 and 1, respectively, in the district of Kishanganj is concerned, as the same is based on the 2011 census figures, which was the statutory requirement under Section 2 (74) of the Bihar Municipal Act, 2007. The petitioners have relied upon figures of the SECC-2011 Final List Urban of the Government of Bihar, but the same cannot be of any help to them as, in terms of the statutory requirements, the figures relating to population have to be of the last census, which in the present case is of the year 2011 and as stated earlier, the figures shown in Form-6 relating to Wards No. 23 and 1, respectively, in the district of Kishanganj is in conformity with the official figures of the



2011 census. Till the time the census figures are correctly reflected in the exercise done by the authorities, the petitioner has no valid ground to assail the publication of Form-6, especially, with regard to Wards No. 23 and 1, respectively, in the district of Kishanganj.

In view of the aforesaid, the Court does not find any ground to interfere in the present writ applications and the same stand dismissed.

The interim order dated 21.11.2016 stands vacated.

(Ahsanuddin Amanullah, J)

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