

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7622 of 2016

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Jai Prakash Yadav, S/o Shri Awadhesh Yadav, resident of village - Kothiya
Hariram, P.O. Kothiya Hariram, P.S. Mehshi, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
2. The District Magistrate -cum- District Election officer (Panchayat), East Champaran, Motihari.
3. The District Panchayat Raj Officer, East Champaran, Motihari.
4. The Block Development Officer, Block - Mehshi, District - East Champaran.
5. The Sub - Divisional officer -cum- Returning Officer, Block - Mehshi, District - East Champaran.
6. The Block Development Officer -cum- Assistant Returning Officer, Block - Mehshi, District - East Champaran.
7. The State Election Commission, represented through its Secretary, State Election Commission, Bihar, Sone Bhawan, 3rd Veer Chand Patel Path, Patna 800001.
8. The Commissioner, State Election Commission, Bihar, Sone Bhawan, 3rd Veer Chand Patel Path, Patna 800001.
9. The Secretary, State Election Commission, Bihar, Sone Bhawan, 3rd Veer Chand Patel Path, Patna 800001.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shri Prakash Srivastava Mr. Sanjay Kumar Mr. Rajeev Ranjan Mr. Santosh Bharti
For the Respondent-State	:	Mr. Sanjay Kr. Singh, AC to AAG-12
For the Respondent-SEC	:	Mr. Amit Shrivastava Mr. Sanjeev Nikesh

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 06-05-2016 Heard Mr. Shri Prakash Srivastava, learned counsel

 appearing for the petitioner, learned counsel for the State and

 learned counsel appearing for the State Election Commission.

The petitioner is aggrieved by the decision of the

State Election Commission in excluding Panchayat Raj

Bhimalpur from Territorial Constituency No.57 under Zila Parishad, East Champaran and its inclusion in Territorial Constituency No.56.

According to the petitioner, Gram Panchayat Raj, Kathiya Hariram, Bhimalpur, Rajapur, Jhitkahiya, Mohammadpur Majhauriya, Bhurkhurwa and Nonimal formed part of Territorial Constituency No.57 in the Zila Parishad elections held in 2006 and 2011 and was maintained as such even in the present election but has in the midst of the election Gram Panchayat, Bhimalpur has been excluded from the Territorial Constituency no.57 and included in Territorial Constituency No.56.

On the direction of this Court to counsel for the State and the State Election Commission to seek instructions on the grievance raised that Mr. Sanjeev Nikesh has produced a letter of the State Election Commission dated 4.5.2016 issued to the District Magistrate –cum- District Election Officer (Panchayat), East Champaran at Motihari in which the error has been accepted and the District Election Officer has been directed to look into the matter. Consequently the District Magistrate, East Champaran vide his letter dated 4.5.2016 has informed the Secretary, State Election Commission to countermand the

elections to the Territorial Constituency Nos.35, 56 and 57 until the resolution of the dispute.

In view of the directives issued by the State Election Commission and which has been acted upon by the District Magistrate –cum- District Election Officer, East Champaran at Motihari and taking note of the steps taken nothing survives for the present, in the writ petition which is accordingly disposed of.

Let the communication of the State Election Commission and the District Magistrate –cum- District Election Officer, East Champaran at Motihari both dated 4.5.2016 forwarded by Mr. Sanjeev Nikesh be maintained on the record of the proceedings.

(Jyoti Saran, J)

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