

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4173 of 2016

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Navin Sharma, son of Late Balmik Singh, resident of Village- Saguni, P.O
Rewa, P.S Masaurhi, District- Patna.

.... Petitioner/s

Versus

1. The State Election Commission (Panchayat), Sone Bhawan , Birchand Patel Path, Patna through the State Election Commissioner.
2. The State Election Commissioner, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
3. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
4. The District Magistrate-cum- District Election Officer (Panchayat), Patna, District- Patna.
5. The District Panchayat Raj Officer, Patna, District- Patna.
6. The Block Development Officer, Masaurhi, District- Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. S.B.K. Manglam, Advocate Ms. Anita Kumari, Advocate
For the State E.C.	:	Mr. Amit Shrivastava, Advocate Mr. Sanjeev Nikesh, Advocate
For the Respondent/s	:	Mr. Rajesh Kumar, GP-19 Mr. Ajit Kumar, A.C. to GP-19

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 11-03-2016 Heard the parties.

Although there is laboured argument advanced by Mr. S.B.K. Manglam to question the voter list while referring to the population of the territorial constituencies published by the Election Commission under rule 8(1) of the Panchayat Election Rules, 2006 (hereinafter referred to as ‘the Rules’) framed under the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as ‘the Act’) to submit that even when the population of the Panchayat Territorial Constituency No. 5 falling under the Gram Panchayat

Raj Rewa at Annexure-2 mentions 626, the voter list present at Annexure-3 enhances it to 718.

Mr. Manglam has again referred to Territorial Constituency No. 6 at Annexure-2 which shows a total population of 517 and then refers to Annexure-3/1 at page 43 to submit that the number of voters is mentioned as 495. The summarized argument of Mr. Manglam is that the number of voters is not in consonance with the population published under Rule 8(1) of 'the Rules' and requires a verification. He submits that although an objection was raised by the petitioner before the Block Development Officer which is stated to be a reminder to an earlier such objection filed on 20.1.2016 but which has not been considered.

The argument of Mr. Manglam has been contested by Mr. Amit Shrivastava appearing for the State Election Commission who submits that even when the objection is being raised, it is not the case of the petitioner that these voters whose names is included in voter list at Annexure-3 and 3/1, were not voters in the last Assembly Election.

I have heard learned counsel for the parties and I have perused the records. Although the objection filed by the petitioner addressed to the Block Development Officer mentions it to be a reminder of an earlier objection but the same is not on record and

even the objection so present at Annexure-7 series while questioning the variation in the number of voters, does not give the details of the voters who have allegedly illegally entered the voter list. There is no such pleading in the writ petition either as to the voters who do not deserve to be in the voter list of the Panchayat.

Mr. Manglam has also referred to an FIR which he says, is the result of the dispute raised and to submit that the reason is apparent but having given a conscious consideration to the issue and in absence of any specific details as to the foundation for the objection to the voter list either before the statutory authority or before this Court, a generalized objection cannot be held sufficient for grant of indulgence in the extraordinary jurisdiction under Article 226 of the Constitution.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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