

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4281 of 2016

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Bijendra Kumar S/o Sri Balram Pal, resident of village- Barabigha, P.S.-
Hilsa, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Election Officer, Election Department, Manglus Road, Patna (Bihar) null null
3. The Secretary, Bihar State Election Commission, Patna (Bihar)
4. The District Magistrate, Nalanda
5. The District Panchayat Raj Officer, Nalanda at Biharsharif
6. The Block Development Officer, Hilsa

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Nawal Kishore Prasad, Advocate
For the Respondent/s : Mr. M.K. Singh, SC-6
For the State E.C. : Mr. Amit Shrivastava, Advocate
Mr. Sanjeev Nikesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 29-04-2016 Heard Mr. Nawal Kishore Prasad, learned counsel for the

petitioner, learned counsel for the State and Mr. Sanjeev Nikesh

for the State Election Commission.

The petitioner is aggrieved by the situs of the booth at
Primary Vidyalay, Nadbar which according to the petitioner is
onerous to reach.

A counter affidavit has been filed by the State Election
Commission enclosing a report of the Block Development Officer
who happens to be the Returning Officer and in which it is stated
that this booth has been made for the extended part of the village

Barabigha and village Nadbar. It is stated that the booth situated in ward no. 10 was also established in the Panchayat Election 2011 without any objection and is situated within two kilometers of village Barabigha and Nadbar. It is stated that there is no other suitable government building available for polling booth.

Although Mr. Prasad has invited the attention of this Court to a sketch present at Annexure-3 to impress that there are option available with the Commission but in my opinion considering the stipulations present in Rule 26 of the Bihar Panchayat Election Rules, 2006 vesting jurisdiction in the District Election Officer for selection of the polling station until such time that the discretion is arbitrary it would not require an interference merely because of a better possibility existing. No cause for indulgence is made out.

The writ petition is disposed of.

(Jyoti Saran, J)

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