

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12629 of 2016

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Devendra Kumar Son of Late Harlal Mehta Resident of Mohalla - Shanti Nagar,
P.S. Dumra, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar through the Deputy Chief Election Officer - Cum - Deputy Secretary to Government, Cabinet (Election) Department, Bihar, Patna
2. The District Magistrate - Cum - District Election officer, Sitamarhi, District Sitamarhi
3. The District Magistrate - Cum - District Election officer, Aurangabad, District Aurangabad
4. The District Magistrate - Cum - District Election officer, Begusarai, District Begusarai
5. The District Magistrate - Cum - District Election officer, Bhabua (Kaimur), District Bhabua
6. The District Magistrate - Cum - District Election officer, Bhagalpur, District Bhagalpur
7. The District Magistrate - Cum - District Election officer, Madhubani, District Madhubani
8. The District Magistrate - Cum - District Election officer, Supaul, District Supaul
9. The District Magistrate - Cum - District Election officer, Buxar, District Buxar
10. The District Magistrate - Cum - District Election officer, Motihari, District Motihari (East Champaran)
11. The District Magistrate - Cum - District Election officer, Bhojpur, District Bhojpur
12. The District Magistrate - Cum - District Election officer, Siwan, District Siwan
13. The District Magistrate - Cum - District Election officer, Bettiah, District Bettiah
14. The District Magistrate - Cum - District Election officer, Patna, District Patna
15. The District Magistrate - Cum - District Election officer, Katihar, District Katihar
16. The District Magistrate - Cum - District Election officer, Samastipur, District Samastipur
17. The District Magistrate - Cum - District Election officer, Jamui, District Jamui
18. Deputy Chief Election officer Cum Deputy Secretary to the Government of Cabinet (Election) Department, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar Sinha-3

For the Respondent/s : Mr. PRASHANT PRATAP- GP2

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 23-09-2016

Heard the counsel for the petitioner and the State.

In substance, the grievance is that six buses owned by the petitioner were requisitioned and deployed by the respondents during the parliamentary election held in 2014. The dues of the petitioner on the rate(s) fixed by the Election authority have not till date been paid to the petitioner. He made diverse requests but no heed was paid. It is stated that in similar manner buses of other owners were requisitioned, some of which have been paid the dues, but in the case of the petitioner the respondents have turned a deaf ear.

If the respondents have requisitioned the buses and used them during the election, they are legally obliged to pay for the same.

It is submitted on behalf of the petitioner that the petitioner would be satisfied if the application is disposed of permitting the petitioner to make a representation before the District Magistrate-cum-District Election Officer, Sitamarh, under whose authority the buses were requisitioned/seized, for consideration for payment of the admitted dues of the petitioner in accordance with law.

Considering the said stand taken by the petitioner, the counsel for the State has not objected to disposal of the writ application granting the said liberty.

Having heard the parties, the application is disposed of permitting the petitioner to file a fresh representation enclosing all the relevant papers/documents before the respondent District Magistrate-cum District Election Officer, Sitamarhi who shall consider the claim of the petitioner and, if need be, call for report from the diverse authorities to whom the buses might have been assigned and pass an appropriate order on

the said representation. If any such application is filed within three weeks, it is expected the respondent District Magistrate, Sitamarhi, will consider the same and taken appropriate decision thereon as quickly as possible preferably within six weeks therefrom.

(Kishore Kumar Mandal, J)

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