

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2232 of 2016

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Mohan Sah son of Late Lakhan Sah, resident of village-Hanuman Nagar,
Post Office + Police Station-Beldour, Distrit-Khagaria

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Khagaria
3. The Joint Registrar, Cooperative Society, Munger Division, Munger
4. The District Cooperative Officer, Khagaria
5. The Block Development Officer-cum-Returning Officer, Beldour, District-Khagaria
6. The Bihar State Election Authority through the Chief Election Officer, Bihar, Patna
7. The Chairman, Bobli, PACS, Beldour, Khagaria
8. The Secretary, Bobli PACS, Beldour, Khagaria
9. Sri Bhupal Bharti, son of Late Saryug Sah, resident of village-Hanuman Nagar, Post Office + Police Station-Beldour, District-Khagaria

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Nagendra Pd. Yadav, Advocate

For the Respondent/s : Mr. Avinash Kumar, SC-30

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-02-2016

Heard the parties.

The election petition preferred by the petitioner has been rejected *inter alia* on grounds that it rests on the infirmity in the voter list.

Law on the issue regarding challenge to an election based on voter list stands discussed in a catena of judgments including **AIR 1977 SC 1992** and subsequent judgments which stands noted and followed in the decision of this Court reported in **2015(4) PLJR 881 (Shushila Devi vs. State)**. This Court has held that an alleged invalid voter list simplicitor is not sufficient to

declare an election void unless it is demonstrated that the alleged ineligible voters have contributed to the success of the returned candidate. That the petitioner has taken a calculated risk, contested the election and having been defeated, is turning around to question the voter list, is another factor which goes against him. The challenge to the election on infracted voter list has rightly been rejected by the prescribed authority under the Bihar Cooperative Societies Act, 1935 read with the provision of the Bihar State Election Authority Act and requires no interference.

The writ petition is disposed of.

(Jyoti Saran, J)

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