

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5312 of 2016

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Sitaram Prasad son of late Jagdeo Prasad resident of Village - Saidpur, P.O. - Pansaghi, P.S. - Ekangarsarai, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Old Secretariat, Patna.
3. The Bihar State Election Commission through its Secretary, Sone Bhawan, Bir Chand Patel Marg, Patna.
4. The Secretary, Bihar State Election Commission, Sone Bhawan, Bir Chand Patel Marg, Patna.
5. The District Magistrate, Nalanda at Biharsharif.
6. The District Panchayati Raj Officer, Nalanda at Biharsharif.
7. The Sub Divisional Magistrate, Sub Division Hilsa (Nalanda).
8. The Block Development Officer, Ekangarsarai Block, Sub Division Hilsa, District - Nalanda.

.... Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Rakesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. R.R.K. Pandey, SC-29
For the State E.C.	:	Mr. Amit Shrivastava, Advocate
		Mr. Sanjeev Nikesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 29-04-2016

Heard Mr. Rakesh Kumar Singh, learned counsel for the petitioner, learned counsel for the State and Mr. Sanjeev Nikesh for the Bihar State Election Commission.

The grievance of the petitioner is that they have been wrongfully tagged with the voters of Bhanubigha at booth no. 91(K) when there are already booths existing within Badrabad Gram

Panchayat, namely, booth nos. 89 and 90 which can accommodate the petitioner and his co-villagers of village Rasalpur. It was also stated that the villagers have to cross a river to caste their vote.

On directions issued that counter affidavit has been filed on behalf of the State as well as the State Election Commission and the Block Development Officer, Ekangarsarai, District-Nalanda who happens to be the Returning Officer has answered the grievance of the petitioner at paragraph-5 of the counter affidavit in which it is stated that an enquiry was made into the grievance of the petitioner and which transpired that village Rasalpur was divided in four wards of which ward nos. 3 and 4 contain the voters of village Rasalpur whereas ward no. 5 was established adding the surplus voters of village Bhanubigha and Rasalpur. It is specifically stated that since the voters exceeded 700, hence booth no. 91 established at Primary School, Bhanubigha under ward no. 5 was divided in two booths by creating an auxiliary booth no. 91K within the same building of Primary School, Bhanubigha to accommodate the surplus voters. It is further stated that the booth is situated at less than two kilometers for the voters of village Rasalpur. A similar stand is taken by the State Election Commission enclosing the report of the Block Development Officer.

In view of the stipulations present in Rule 26 of the Bihar

Panchayat Rules, 2006 and considering the explanations advanced, I am not persuaded to interfere with the situs of the polling booth.

The writ petition is disposed of.

(Jyoti Saran, J)

S.Sb/-

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