

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5355 of 2016

=====

Sudhir Kumar, aged about 35 years, son of Ramadhir Mahto, resident of Village- Marui, Tola- Durgapur, P.S.- Roh, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Panchayati Raj, Bihar, Patna.
2. The State Election Commission, through its Commissioner, Sone Bhawan.
3. The District Magistrate-cum-District Election Officer, Nawada.
4. Deputy District Election Officer, Nawada.
5. District Panchayat Raj Officer, Nawada.
6. The Sub Divisional Officer, Rajauli, Nawada.
7. The Block Development Officer, Roh-cum-Returning Officer, Marui Gram Panchayat.

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Respondent/s : Mr. Ashok Kumar Kesari- AAG-11

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-03-2016 Heard the parties.

The limited grievance raised in this writ petition is that while the proposal of the District Magistrate, Nawada as District Election Officer, Nawada under Rule 26 of the Bihar Panchayat Election Rules, 2006 (hereinafter referred to as 'the Rules) as amended from time to time, insofar as Block-Roh in the of district-Nawada is concerned, provided for location of Booth No. 39 and 39A of Ward No. 2 at the Primary School, Durgapur while Booth No. 40 and 40A was located at Primary School, Kajichak but according to the petitioner the said proposal mooted by the District Magistrate cum District Election Officer, Nawada has not been approved by the State Election Commission, who has

returned the same with a decision that all the four booths i.e. Booth No. 39, 39A, 40 and 40A are now situated in Primary School, Kajichak with the result that there is no booth at Durgapur. He submits that a representation in this regard was filed at Annexure-3 before the District Election Officer cum District Magistrate on 5.2.2016 and again before the State Election Commission on 26.2.2016 but which has not given any favourable result.

Having heard Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner, counsel for the State and Mr. Sanjeev Nikesh for the State Election Commission and taking note of the second proviso to Rule 27 of 'the Rules' which vests jurisdiction in the State Election Commission for alteration in the polling station, I deem it fit and proper to dispose of this writ petition with a direction to the State Election Commissioner to consider the grievance of the petitioner as noted hereinabove and also present at Annexure-4 to the writ petition and dispose of the same in accordance with law and after opportunity of hearing to the petitioner within three weeks from the date of receipt / production of a copy of this order bearing in mind that the election to the constituency concerned is fixed for May, 2016.

(Jyoti Saran, J)

S.Sb/-

U			
---	--	--	--