

..... Petitioner/s

1. The Chief Electoral Officer State Of Bihar, Old Secretariat Patna
2. The Nirvachan Nibandhan Paddadhhikari, Bihar, Old Secretariat, Patna
3. The District Magistrate, Lakhisarai
4. The Sub Divisional Officer, Lakhisarai Cum - The Electoral Registration Officer, 168 Lakhisarai Assembly Constituency District - Lakhisarai
5. The Assistant Electoral Registration Officer Cum - Block Development Officer, Barahaiya Block, District Lakhisarai
6. The Assistant Electoral Registration Officer Cum - Block Development Officer, Pipariya Block, District - Lakhisarai
7. The Chief Secretary, Govt. of Bihar, old Secretariat, Patna.

.... Respondent/s

For the Petitioner/s : Mr. Gouranga Chatterjee, Advocate.
For the State : Dr. Anshuman SC-14

5 16-02-2016 Heard Mr. Gouranga Chatterjee for the
petitioners, SC-14 for the State and Mr. Sidhartha Prasad for the
respondent Chief Electoral Officer.

The petitioners of the writ application have prayed for a direction to give effect to the order dated 28.7.2011 passed by the District Magistrate , Lakhisarai (Annexure-4) in the light of the order of this Court passed in C.W.J.C. No. No. 16558 of 2009.

For better appreciation, this court would extract the relevant part of the said order hereinbelow:-

“Thus perusing the above facts it is clear that inhabitants belong to Piparia Panchayat though they are residing at Malpur revenue village. As Panchayat Election 2001, 2006 and 2011 has been held on ward no. 4 to 14 by treating this area as part of Piparia panchayat it shall be appropriate to merge the area of ward no. 4 to 14 of Piparia panchayat from Malpur revenue village to Piparia panchayat by division of Malpur revenue village so that ward no.4 to 14 of Pipariya Panchayat created in Malpur revenue village be part of Piparia panchayat. As demarcation of area is subject of State Government, so as per the suggestion of ERO’s recommend for inclusion of area (Ward no. 4 to 14 of Piparia Panchayat) by carving from Malpur revenue village thana no. 3 in Piparia revenue village thana no.4 so that the shifted population may be resident of Piparia panchayat and accordingly electors of 167-Suryagarha to RDD, Bihar, Patna, Revenue and Land Reforms Department, Bihar, Patna, CEO, Bihar, SEC, Bihar, Patna, Panchayat Raj Department, Bihar, Patna & DPRO, Lakhisarai in this regard for needful.

The matter is disposed off with above observation. Send a copy of this order to petitioner & aforementioned department.”

In the light of the said order, a report was also submitted by the Senior Deputy Collector, Lakhisarai addressed to the Incharge District Election office, Lakhisarai wherefrom it appears that the petitioners being the residents of Pipariya Karari



and Pipariya Diara falling within a Community Development Block which is part of 167 Surajgarha Vidhan Sabha as per the notification dated 17th August, 2007, issued under the Delimitation Act 2002 (Annexure-8), should be included as voter in the relevant electoral roll for the 167 Surajgarha Vidhan Sabha and not of 168 Lakhisarai Vidhan Sabha. A further communication was issued by the Collector under the signature of the District Election officer addressed to Chief Electoral Officer, Bihar (Annexure-10) wherefrom it appears that such exclusion or inclusion in the electoral roll of two different assembly constituencies can be allowed only after the government accord sanction whereafter the Chief Electoral Officer shall take necessary steps. Who shall be the competent authority of the Government in such matter has not been made clear to this Court by the counsel for both parties.

Faced with this situation, this Court is persuaded to dispose of the application by directing the Chief Secretary, Govt. of Bihar who is permitted to be implead as respondent no.7 to the writ petition to consider the said grievance of the petitioners in the light of the notification dated 17.8.2007 issued under the Delimitation Act, 2002 (Annexure-8), the order of the District Magistrate (Annexure-4) and the two communications referred to

above and take appropriate decision and/or pass appropriate orders as quickly as possible preferably within 06 weeks from the date of production of a copy of this order along with copy of the writ petition with entire pleadings before him.

(Kishore Kumar Mandal, J)

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