

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16059 of 2016

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1. Manoj Kumar son of Ramawatar Singh Village- Tetarapur, P.S.- Jayrampur More,
District- Sheikhpura.

.... Petitioner

Versus

1. The Election Commission of India through Secretary, Nirvachan Sadan, Ashok Road, New Delhi- 11001.
2. The Chief Election Commissioner, Election Commission of India, Nirvachan Sadan, Ashok Road, New Delhi- 11001.
3. The State Election Commission through its Secretary, Sone Bhawan, Patna, Bihar.
4. State Election Commissioner, Sone Bhawan, Patna, Bihar
5. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
6. Upendra Kushwaha son of Muneshwar Prasad Singh, President, Rarshtriya Lok Samta Party resident of Muaza Dhakanpura, Mohalla- Mohanpur, Punaichak near Hartali More, Boring Canal Road, P.S.- Srikrishnapuri, Patna. At present State Minister, Education Department, Government of Bihar, New Delhi.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Dinu Kumar, Advocate
		Mr. Arvind Kumar Sharma, Advocate
For the Respondent ECI:		Mr. Siddhartha Prasad, Advocate
For the Respondent State:		Mr. Bishwa Bibhuti Kr.Singh, AC to PAAG 1
For the Union of India	:	Mr. S.D.Sanjay, Addl. Sol. Gen.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-10-2016

Heard Mr. Dinu Kumar, learned Counsel for the petitioner, and Mr. Siddhartha Prasad, learned Counsel for the respondent Election Commission of India. Heard also Mr. S.D.Sanjay, learned Additional Solicitor General, appearing for the Union of India, and Mr. Bishwa Bibhuti Kr. Singh, learned AC to PAAG 1, appearing for the State respondents.



With the help of this writ petition, made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, the petitioner, being a social activist as well as correspondent of Danik Aaj, has sought for quashing of the communication/order, dated 18.07.2016, passed by respondent No.1, Secretary, Election Commission of India, as contained in Annexure-4 to this writ petition, whereby the application, made by respondent No.6, for registration of Rastriya Lok Samta Party, as a political party, has been allowed.

Learned Counsel for the petitioner submits that respondent No.6 had made an application, on 27.01.2009, to respondent No.1, namely, Election Commission of India, for registration of “Rashtriya Lok Samta Party” as a political party. Pursuant thereto, the Secretary, Election Commission of India, has made an order, dated 18.07.2013 (Annexure-4), allowing the application for registration of Rashtriya Lok Samta Party as a political party under Section 29A of the Representation of the People Act, 1951, with effect from 10.07.2013, though for a period of two years between 27.01.2009 and 10.07.2013, respondent No. 6 was a Member of Janta Dal (U) and he had been functioning as a Member of the said political party. However, the fact remains that respondent No.6 was neither a Member of the Janta Dal (U) nor a Member of any other political party at the time of making application on 27.01.2009 or on

10.07.2013

In the facts and attending circumstances of the present case, we do not find that the impugned decision of the Election Commission of India (Annexure-4) suffers from any infirmity, legal or factual.

In view of the above, this writ petition is closed with liberty granted to the petitioner to approach this Court with appropriate application, in future, if the situation so warrants.

In terms of the observations, this writ petition is accordingly disposed of.

(I. A. Ansari, CJ)

(Dr. Ravi Ranjan, J)

A.I./-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	06.10.2016
Transmission Date	