

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5516 of 2017

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1. Sipra Rani Dey wife of late Vivekanand Dey, resident of Village/Mohallah
Bangali Tola, Ward No. 24, Forbesganj, P.O. Forbesganj, P.S. Forbesganj,
District Araria (Bihar)
 2. Rajani Singh, wife of Sanjeev Kumar Singh, resident of Village/Mohallah
Gudari Mohallah, Ward No. 14, Forbesganj, P.O. Forbesganj, P.S. Forbesganj,
District Araria (Bihar)
 3. Manoj Kumar Deo, son of late Devi Lal Deo, resident of Village/Mohallah
Patel Chouk, Ward No. 24, Forbesganj, P.O. Forbesganj, P.S. Forbesganj,
District Araria (Bihar)

.... Petitioner/s

Versus

1. The State Election Commission, Bir Chand Patel Path, Patna through its Chief
Election Commissioner.
2. The Chief Commissioner, State Election Commission, Bir Chand Patel Path,
Patna
3. The Secretary, State Election Commission, Bir Chand Patel Path, Patna
4. The District Magistrate-cum-District Election Officer (Municipality), Araria,
District Araria (Bihar)
5. The Sub Divisional Officer, Forbesganj, Sub Division-Forbesganj, District
Araria (Bihar)

.... Respondent/s

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Appearance :

For the Petitioners	:	Mr. Raju Giri with Mr. Santosh Kumar Mishra, Advocates
For the SEC	:	Mr. Amit Shrivastava with Mr. Sanjeev Nikesh, Advocates
For the State	:	Mr. Sunil Kumar Mandal SC 3 with Mr. Bipin Kumar, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-04-2017

Heard learned counsel for the petitioners, State and State Election Commission.

2. The petitioners have moved the Court being aggrieved by non-consideration of their objections with regard to the final voter list for Wards No. 14 and 25 of Forbesganj Nagar Parishad for the ensuing 2017 elections.

3. Learned counsel for the petitioners submitted that after the final publication on 25.03.2017 of the voter list for Forbesganj Nagar Parishad, there being error in the said list for Wards No. 14 and 25, they had filed objections before the competent authority but without considering the same the authorities are proceeding to hold election in terms of the voter list as published.

4. At this juncture, learned counsel for the State Election Commission brought to the notice of the Court letter no. 1451 dated 11.04.2017 of the State Election Commission addressed to the District Magistrate-cum-District Election Officer (Municipality), Araria directing him to consider the objection of petitioner no. 3 with regard to Ward No. 25 and after enquiry, to take action in accordance with law. He submitted that the matter be remanded to the respondent no. 5 to conclude the exercise expeditiously.



5. Learned counsel for the petitioners agreed to the proposal and submitted that similar exercise be also directed for Ward No. 14 and thereafter, the petitioners may be given an opportunity of hearing and order be passed expeditiously so that the elections are held on the basis of voter list in terms of the order which shall be passed after considering the objections of the petitioners.

6. In view thereof, the writ petition stands disposed off with direction to the respondent no. 5 to dispose off the objections filed by the petitioners relating to Wards No. 14 and 25 with regard to the final voter list already published, after giving an opportunity of hearing, and pass a reasoned order latest by 25.04.2017. Thereafter, copy of the order shall be forwarded, through the respondent no. 4, to the State Election Commission within four working days and the State Election Commission shall pass appropriate orders so that elections are held in accordance with the voter list as may be modified in terms of the final order passed pursuant to the present order of remand.

7. To facilitate the matter, let the petitioners appear before the respondent no. 5 on 19th April, 2017 at 11:00 a.m. in his office along with a copy of this order.

(Ahsanuddin Amanullah, J)

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