

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5109 of 2017

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Sarita Devi, W/o Jitendra Kumar, resident of Village - Barni Road Masaurhi, P.O. - Masaurhi, P.S. - Masaurhi, District - Patna.

.... Petitioner/s

Versus

1. The State Election Commission, Bihar through its Secretary, Sone Bhawan, Beerchand Patel Marg, Patna - 800001.
2. The State Election Commissioner, Bihar, Sone Bhawan, Beerchand Patel Marg, Patna - 800001.
3. The Secretary, State Election Commission, Bihar, Sone Bhawan, Beerchand Patel Marg, Patna - 800001.
4. The District Magistrate-cum-District Election Officer (Nagarpalika), Patna.
5. The Registration Officer (Nagarpalika)-cum-Sub Divisional Officer, Masurhi, Patna.
6. Anand Sharma, The Registration Officer (Nagarpalika)-cum-Sub-Divisional Officer, Masurhi, Patna.
7. The Revising Authority of the ward, Nagar Panchayat Masaurhi, Patna.
8. Satya Priya Kumar, Block Development Officer, Masaurhi-cum-Awar Nirvachan Padadhikari.
9. The State of Bihar through the District Magistrate, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Verma, Advocate
For the SEC	:	Mr. Amit Shrivastava, Advocate
		Mr. Ritesh Kumar, Advocate
For the State	:	Mr. Gyan Prakash Ojha-GA7

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-04-2017

Heard learned counsel for the petitioner, AC to GA-7
for the State and the State Election Commission.

2. The petitioner has filed the present writ application
for including her name as a voter for the ensuing Masaurhi Nagar
Parishad election from Ward No. 5.

3. Learned counsel for the petitioner submitted that in



the provisional voter list, she along with other eligible family members were shown as voters of Ward No. 5 of Masaurhi Nagar Parishad, but in the final voter list, her name is missing, though her other family members are still there.

4. Learned counsel for the State and State Election Commission drew the attention of the Court to Annexure P-4, which is Letter No. 1004 dated 21.03.2017, of the State Election Commission to the respondent no. 4 directing for taking action, in accordance with law, in the matter. They submitted that the writ petition be disposed off with a direction to the Competent Officer to consider the objection and pass necessary orders.

5. In view thereof, the writ petition stands disposed off with a direction that the petitioner shall appear before the respondent no. 5, along with a copy of this order on 26th April, 2017. The respondent no. 5 shall thereafter hear the petitioner and pass reasoned order within two working days. The same shall be communicated to the State Election Commission, through the respondent no. 4, within the next two working days. The State Election Commission shall thereafter, depending on the order passed in terms of the exercise undertaken, shall appropriately modify the voter list immediately, if so required. The election to the Masaurhi Nagar Parishad shall be held in terms of the corrected voter list relating to the petitioner, as



may be required, as per the outcome of the present exercise directed in this order.

6. It is clarified that the schedule and process of election already initiated or to be initiated shall not be affected and only the final voting shall be held in terms of the modified voter list, if deemed necessary, in terms of the order to be passed after undertaking the exercise directed in this order.

7. The respondent no. 5 shall communicate the order to the petitioner also latest by 28th April, 2017.

(Ahsanuddin Amanullah, J.)

P. Kumar

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