

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5524 of 2017

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Hari Darshan Kumar, Son of Nivas Singh, resident of Mohalla New Court Area,
Jay Nagar Ward No. 30, Lakhisarai, P.S. Lakhisarai, District – Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Urban Development, Patna.
2. The State Election Commission, Bihar through the Secretary, Birchand Patel Path, Patna.
3. The Secretary the State Election Commissioner, Bihar, Patna.
4. The District Magistrate- cum-Election Officer, Lakhisarai.
5. The Circle Officers-cum-Receiving Officer, Lakhisarai.
6. The S.D.O., Lakhisarai-cum-Receiving Officer Election Maker.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar, Advocate
For the SEC	:	Mr. Amit Shrivastava and Mr. Ritesh Kumar, Advocates
For the State	:	Mr. Syed Hussain Majeed, A.C. to S.C. 6

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-04-2017

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

2. Learned counsel for the petitioner is permitted to
implead the Sub Divisional Officer, Lakhisarai as respondent no. 6.
Learned counsel for the petitioner shall make necessary correction in
the cause title of the writ petition during the course of the day.

3. The petitioner is aggrieved by non inclusion of his
name in the voter list for Ward No. 30 of Lakhisarai Nagar Parishad
for the ensuing 2017 elections.

4. Learned counsel for the petitioner submitted that he,



after having attained the age of majority, had applied within time for inclusion of his name in the voter list and he was also called on 06.03.2017, for verification of his documents and has done the same, but still in the final voter list published on 25.03.2017, his name is not there.

5. At this juncture, learned counsel for the State and State Election Commission submitted that the writ petition be disposed off with a direction to the respondent no. 6, to consider the claim of the petitioner in accordance with law and pass a reasoned order within a short period. He further submitted that based upon the order passed by the respondent no. 6, the voter list would accordingly be modified, if so required, and the election would be held as per the said modified voter list.

6. In view thereof, the writ petition stands disposed off with a direction to the respondent no. 6 to consider the claim of the petitioner for being included as a fresh voter for Ward No. 30 of Lakhisarai Nagar Parishad. For the said purpose, the petitioner shall appear before the respondent no. 6, along with a copy of this order on 20th April, 2017 (tomorrow) at 11.00 A.M. in his office. The respondent no. 6 shall thereafter pass appropriate orders on such request of the petitioner within the next three working days. He shall thereafter communicate the order to the State Election Commission



through the respondent no. 4, within the next three working days. The State Election Commission would thereafter act upon the communication received by it in terms of the present order and if the name of the petitioner is required to be included in the voter list, the same shall be done immediately and the voter list be modified accordingly.

7. The Court would indicate that in terms of the earlier notice given to the petitioner for considering his case on 06.03.2017, if any decision has already been taken, the same, if not yet communicated to the State Election Commission, shall also be done so forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

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