

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9145 of 2017

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1. Hari Prasad Mukhiya, S/o Late Dipu Mukhiya,
 2. Kamla Devi, W/o Hari Prasad Mukhia,
 3. Sanjiv Kumar Toni, S/o Sri Hari Prasad Mukhia,
 4. Praveen Kumar Toni, S/o Hari Prasad Mukhia, All resident of Village- Pipraulia, P.O.- Shankarpur, P.S.- Rosera, Block- Shivajinagar, District- Samastipur.
 5. Uttam Devi, W/o Laalan Mukhiya, resident of Village- Pipraulia, P.O.- Shankarpur, P.S.- Rosera, Block- Shivajinagar, District- Samastipur.
 6. Ram Bilas Mukhiya, S/o Late Mishri Mukhiya, resident of Village- Situahi, P.O.- Shankarpur, P.S.- Rosera, Block- Shivajinagar, District- Samastipur.
 7. Agindev Mukhiya, S/o Late Ramprasad Mukhiya, resident of Village- Sitauahi, P.S.- Rosera, Block- Shivajinagar, District- Samastipur.
 8. Shankar Mukhiya, S/o Buchhan Mukhiya, resident of Village- Nabkatol, P.O.- Shankarpur, P.S.- Rosera, Block- Shivajinagar, District- Samastipur.
 9. Ramadhar Mukhiya, S/o Sri Pavitar Mukhiya, resident of Village- Chatauni, P.S.- Hathauri, Block- Shivajinagar, District- Samastipur.
 10. Kishori Mukhiya, S/o Late Shiddhlal Mukhiya, resident of Village- Chatauni, P.S.- Hathauri, Block- Shivajinagar, District- Samastipur.
 11. Sunita Devi, W/o Sri Brijnandan Mukhiya, resident of Village- Chatauni, P.S.- Hathauri, Block- Shivajinagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-cum-District Election Officer, Samastipur.
2. The Bihar State Election Authority, 32, Harding Road, Patna through the Chief Election Officer.
3. The District Co-operative Officer-cum-Deputy Election Officer, Samastipur.
4. The Block Development Officer-cum-Election Officer (Co-operative Society), Rosera, Samastipur.
5. The Block Co-operative Extension Officer, Shivaji Nagar Block, District- Samastipur.
6. The Chairman, Shivaji Nagar Prakhanda Matasyajivi Sahayak Samiti Limited, Shivaji Nagar Block, District- Samastipur.
7. Sri Ganeshi Sahni, Mantri, Shivaji Nagar Prakhanda Matasyajivi Sahayak Samiti Limited, Shivaji Nagar Block, District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar, Advocate

For the Respondents No. 7 : Mr. Pashupati Prasad Sinha with

Mr. Deepak Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT



Date: 10-07-2017

Heard learned counsel for the petitioners; State; State Election Authority and the respondent no. 7.

2. The petitioners are aggrieved by the order contained in Memo No. 637 dated 20.06.2017 passed by the District Co-operative Officer-cum- Deputy Election Officer, Samastipur in Remand Case No. 01 of 2017 by which he has rejected the objections filed by the petitioners with regard to deletion of the name of 3149 persons from the voter list.

3. After some arguments, the respondents agree that the petitioners or any of the persons, who were in the list of 3149 and their names have been removed, may appear before the respondent no. 4 along with a copy of this order tomorrow, may be web copy duly attested by them, during the time fixed for voting, along with the required evidence i.e., the receipt showing deposit of membership fee and share money, who shall take notice of the same and if it is found that they are genuine members and their names are present in the voter list of 2012, they shall be allowed to cast their vote and the voter list shall stand modified to such extent.

4. The respondent no. 4 is directed to ensure that minors/dead persons whose names may still find place in the voter list are not allowed to vote. If such evidence comes and it is proved that



on behalf of minors/dead persons votes have been cast, serious consequences shall follow.

5. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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