

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10382 of 2017**

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Smt. Samina Khatun Wife of Md. Naushad Alam, Resident of Village-Keotapatti,  
P.S.-Kishanpur, District-Supaul

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Election Commissioner, Bihar, State Election Commission Bihar, Patna.
3. The Deputy Secretary, Bihar State Election Commission, Bihar, Patna.
4. The Public Information Officer, Bihar state Election Commission, Bihar, Patna.
5. The District Magistrate-cum-District Election Officer (Panchayat), Supaul
6. District deputy Election Officer, Supaul
7. District Panchayat Raj Officer, Supaul
8. The Sub-Divisional Officer, Supaul
9. Returning Officer-Cum-Block Development Officer, Kishanpur Block, Supaul
10. Returning Officer-Cum-Block Development Officer, Raghapur Block, Supaul
11. Kanchan Kumari, daughter of late Jageshwar Yadav, Wife of Vinod Kumar Yadav, Resident of Village-Karhiya, P.S.-Kishanpur, District-Supaul

.... .... Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------------------------------|
| For the Petitioner/s | : | Mr. Rana Ishwar Chandra, Advocate                         |
| For the State        | : | Mr. Pratik Kumar Sinha, AC to GA 5                        |
| For the SEC          | : | Mr. Amit Shrivastava with<br>Mr. Girish Pandey, Advocates |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

**ORAL JUDGMENT**

**Date: 31-08-2017**

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



2. The petitioner has moved the Court for the following reliefs:

*“ (I) For commanding and directing the respondents in general and the respondent no. 2 (The State Election Commissioner, Bihar, Patna) in particular to make enquiry and expedite the proceeding against complain made on 04.06.2016 by the petitioner with respect to Gram Panchayat Election of 2016 held on 28.04.2016 for the post of Mukhiya of Gram Panchayat Raj Karhiya, Kishanpur Block within the district of Supaul in said election the elected Mukhiya, namely Kanchan Kumari (Respondent no.- 11) has submitted false affidavit and wrong information in her nomination form in so far as related to information regarding her address as well as regarding bonafide vote of another Gram Panchayat.*

*(II) For commanding and directing the respondent no. 2 and 5 to take necessary action against the arraign officers who have not taken any lawful action against the respondent no. -11 and sitting tight over the matter as yet.*

*(III) For grant such other relief(s) for which the petitioner may be found entitled in the facts and circumstances of the case.”*

3. After some arguments, learned counsel for the



petitioner drew the attention of the Court to the fact that she has already filed a complaint before the respondents no. 2 and 5 but no action has been taken. He prayed that the writ petition be disposed off with a direction to the respondent no. 2 to dispose off the complaint filed by her expeditiously, copy of which is Annexure-4 of the writ application.

4. Learned counsel for the State Election Commission submitted that a report has already been called for and upon receipt of the same, the matter shall be decided in accordance with law.

5. Learned counsel for the State submitted that if a report, as asked from the district authorities, has not been sent, the same shall be sent within one month from today.

6. In view thereof, the writ petition stands disposed off with a direction to the respondent no. 5 that if a report, as has been called for by the respondent no. 2, has not been sent, the same be sent latest within a period of one month from today. Thereafter, the respondent no. 2 shall ensure that a final decision is taken in the matter within two months thereafter, in accordance with law, after giving opportunity of hearing to all concerned, including the petitioner and respondent no. 11.

7. Let learned counsel for the petitioner serve a copy of this order on respondents no. 2 and 5 within one week from today.



8. Learned counsel appearing for the State as well as the State Election Commission shall also inform the concerned officials.

(Ahsanuddin Amanullah, J)

Anjani/-

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