

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14868 of 2016

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Sushil Kumar Singh son of Late Anup Lal Singh Resident of Village and P.O. Salarpur, P.S. Parbatta, District- Khagaria.

.... Petitioner/s

Versus

1. The Chief Election Commissioner, Bihar, Patna.
2. The District Election Officer, Khagaria.
3. The Block Returning Officer, Parbatta, Khagaria.
4. Anil Mandal, son of Biseshwar Mandal, Resident of Village- Thebhay, P.O. Kolwara, P.S. Parbatta, District- Khagaria.
5. Rup Lata Devi Wife of Jogindar Singh, Resident of village and P.O Salarpur, P.S. Parbatta, District- Khagaria.
6. Navin Choudhary Son of Triveni Choudhary, Resident of Village and P.O Bharso, P.S. Parbatta, District- Khagaria.
7. Raj Narayan Singh Son of Suresh Singh Resident of Village and P.O. Salarpur, P.S. Parbatta, District- Khagaria.
8. Jai Kishore Roy son of Siya Sharan Roy, Resident of village and P.O. Bharso P.S. Parbatta, District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Mrityunjay Kumar, Advocate
For the SEC	:	Mr. Amit Shrivastava with Mr. Girish Pandey, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 21-02-2017

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

The petitioner had challenged the election of the respondent no. 5 to the post of Mukhiya of Gram Panchayat Raj Bharso under block Parbatta in the district of Khagaria.

Learned counsel for the State Election Commission



submitted that since the petitioner was required to file an election petition and him not having done so, the only remedy left to him is to file a petition before the State Election Commission under Section 136 (2) of the Bihar Panchayat Raj Act, 2006 as the controversy relates to the age of a candidate, which can be adjudicated at the level of the State Election Commission itself.

In view thereof, learned counsel for the petitioner prayed that he may be permitted to withdraw the writ petition with liberty to file such petition before the State Election Commission.

Accordingly, the writ petition stands disposed off as withdrawn with the liberty aforesaid. If such petition is filed by the petitioner before the State Election Commission within three weeks from today, along with a copy of this order, the same shall be considered and disposed off in accordance with law, after notice to all concerned, including respondent no. 5, expeditiously and in any case within six months from the date of filing such petition.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
Uploading Date	23.02.2017

