IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1613 of 2016
In
Civil Writ Jurisdiction Case No.9042 of 2014

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Braj Nandan Prasad Son of Baleshwar Mahto resident of Aditya Vikash Flat No. 302 (A) Budha Marg, Patna Permanent resident of village Bajibpur, P.S. Kaukoul District Nawada.

... ... Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The State Election Commission through its Chairman, Bihar, Patna.
3. The Deputy Election Commissioner, State Election Commission, Bihar, Patna.
4. The District Magistrate-Cum-District Election Officer, Patna, District - Patna.
5. The Nodal Officer cum Assistant Nodal Officer Vehicle Cell, Patna, District - Patna.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Md. Kamaluddin
For the Respondent/s : Mr. AC to GP 9

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

6 08-11-2017 Matter is taken up both on limitation as well as on merits. The delay of 154 days is condoned. I.A. No.6512 of 2016 is allowed.

The appeal has been preferred against the dismissal of the writ application filed by the appellant. The so-called personal vehicle, which was a Bolero, was seized by respondent authorities for election purposes. His submission is that private vehicles are not required to be seized for the election purpose as has been ordered by the High Court, therefore, he should be

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adequately compensated. Looking at the necessity of conduct of election and Bolero falls within such class of vehicles, which is useful for conduct of elections, therefore, the seizure to that extent may have been on a mistaken understanding of fact that it is a commercial vehicle but for the period under which the vehicle was under control of the election authorities, suitable compensation in terms of the hiring charges, if not paid, should be paid to the appellant. Nothing more is required to be done.

Appeal stands dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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