

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 377 of 2017

=====

Madhu Devi, Wife of Rudal Mahto, Resident of Village-Basdeopur Chandel, P.S. and Block-Mahnar, District-Vaishali.

.... Petitioner/s

Versus

1. The State Election Commissioner (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
2. The State Election Commissioner, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
3. The Secretary, the State Election Commission, (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
4. The District Election Officer (Panchayat), Vaishali, District-Vaishali.
5. The Block Development Officer-Cum-Returning Officer, Mahnar, District-Vaishali.
6. Bibha Sharma, Wife of Naresh Sharma, Resident of Village-Fatikwara, P.O. Harpur Fatikwara, P.S. and Block-Mahnar, District-Vaishali at Hajipur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the SEC : Mr. Amit Shrivastava and
Mr. Girish Pandey, Advocates

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 02-08-2017

Learned counsel for the petitioner and State Election Commission have assisted the Court.

2. It appears that the petitioner has filed a petition under Section 136 of the Bihar Panchayat Raj Act, 2006 on 12.08.2016, to declare respondent no. 6 disqualified to hold the post of *Mukhiya* of Gram Panchayat Raj, Basudeopur Chandel under Mahnar Block of Vaishali District.

3. Learned counsel for the petitioner submitted that as per the information procured under the Right to Information Act, the



respondent no. 6 and her family members are voters in Assembly Constituency 48 from Jamshedpur East in the State of Jharkhand. There is neither any counter affidavit nor explanation from learned counsel for the State Election Commission as to why a petition filed on 12.08.2016 has still remained pending. The matter is *prima facie* serious for materials have been brought on record to indicate that the respondent no. 6 is a resident of the State of Jharkhand and thus, should not have stood for election much less be elected on the post which she currently occupies.

4. At this juncture, learned counsel for the State Election Commission submitted that since reports are required to be called for, the matter takes time, but he assures the Court that a final decision shall be taken within two months.

5. In view thereof, the writ petition stands disposed off with a direction to the respondent no. 2 to ensure that the complaint filed by the petitioner on 12.08.2016 against the respondent no. 6, be disposed off by passing a reasoned order within two months from the date of production of a copy of this order before him, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar	
AFR/NAFR	
U	

