

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16567 of 2013

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Shahnaz Wife of Samiuzma Resident of Mohalla - Kharaiya Basti, Ward No. 11,
P.O. And P.S. Araria, District - Araria

.... Petitioner/s

Versus

1. The State Of Bihar Represented Through The District Magistrate - Cum -
Collector, Araria As Also The District Election Officer, Araria
2. The Senior Deputy Collector, Araria - Cum - The Returning Officer, Araria
3. The Block Development of Officer, Araria - Cum - The Assistant Returning
Officer, Araria
4. Sadiya Ashraf Wife of Md. Masoon Raza Resident of Mohalla - Kharaiya Basti,
P.O. And P.S. Araria, District – Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Respondent/s : Mr. Rajendra kr. Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 14-02-2017

Heard learned counsel for the parties.

By the impugned order, the learned court below in the
Election Petition No. 01 of 2012 has rejected the petition dated
25.03.2013 filed by the opposite parties.

From the impugned order, it transpires that the issues have
already been framed in the proceeding and one of the issues is with
regard to the non-joinder of the parties. This Court, further finds from
the perusal of the petition at annexure-3 filed by the petitioner that the
prayer made in the petition, in substance, has pertained to non-



impleadment of the officials concerned with the election as parties in the election petition. At this juncture, it is fruitful to take into notice the submissions by Mr. Manglam, on the basis of Rule 106 of the Bihar Municipal Election Rules 2007 which prescribes the parties to be impleaded in an election petition and it is demonstrably clear therefrom that the officials are not required to be impleaded as parties in an election petition. However, the learned court below has come to the conclusion that as the issue with regard to non-joinder of the parties has already been framed the same shall be decided along with the other issues.

In this backdrop, this Court does not find it a fit case for invoking the jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The application is accordingly, dismissed.

However, it is observed that any observation in this application shall not prejudice the right of the petitioner to raise appropriate objection(s) in accordance with law during the course of hearing of the election petition.

(V. Nath, J)

Devendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.02.2017
Transmission Date	

