

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3017 of 2017

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Meharaj son of Imam, resident of village - Yadupatti, Raghepura, P.O.-
Barha, P.S. Bisfi, District - Madhubani, presently Member of Madhubani
Zila Parishad from Madhubani Zila Parishad Territorial Constituency No.
12, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. The District Magistrate - cum - District Election Officer (Panchayat),
Madhubani, District - Madhubani
3. The District Panchayat Raj Officer, Madhubani, District Madhubani
4. Ajay Sah son of Bechan Sah, resident of village and P.O. -Bhairwa, P.S.-
Bisfi (Patauna), District - Madhubani
5. State Election Commission (Panchayat) Bihar through the Secretary
Sone, Bhawan, Birchand patel Path, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K.Manglam, Advocate
: Ms. Anita Kumari, Advocate
For the Respondent No.4 : Mr. Murari Narayan Choudhary, Advocate
: Mr. Mohit Srivastava, Advocate
: Mr. Girish Pandey, Advocate
For Election Commission : Mr. Amit Srivastava, Advocate
For the State : Mr. Ajay, G.A.-5
: Mr. Pratik Sinha, A.C. to G.A.-V

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

5 08-11-2017 The petitioner has filed the present writ petition mainly

on the ground that he is not one of the convicts in Sessions Trial

No.179 of 1988. This Court vide order dated 18.10.2017 in the

light of the counter affidavits filed on behalf of the respective

respondents directed the petitioner to file a supplementary

affidavit categorically on the following three points:-

(i) That the petitioner and Md. Meraj are two



different and distinct persons and not fictitious.

- (ii) That the petitioner is not Md. Meraj who was convicted in the aforesaid Sessions Trial.
- (iii) That Zafar Imam who has fought election for the post of PACS member is not the son of the petitioner.

2. By order dated 18.10.2017 itself, this Court had directed that the matter be listed again on 07.11.2017 under the heading "For Orders".

3. Till date the supplementary affidavit as directed by this Court has not been filed by the petitioner. On query made by the Court, Mr. S.B.K.Manglam, learned counsel for the petitioner submitted that despite information having been given to the petitioner, he is not turning up to swear affidavit. He submitted that under such circumstances it is very difficult to defend the case of the petitioner.

4. In view of the submissions made above, the application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

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