

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6090 of 2017

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1. Punam Sharma wife of Sushil Kumar, resident of 6/EF 2/66, Janata Flat Bahadurpur Housing Colony, Patna 800026
 2. Usha Kumari wife of Shatrudhan Sah, resident of 6EF5/195 Janta Flat, Bahadurpur Housing Colony, P.S. Agamkuan, District Patna 800026
 3. Rina Devi wife of Tarkeshwar, resident of 6LF, 3/152, Bahadurpur Housing Colony, P.S. Agamkuan, District Patna 800026

.... Petitioner/s

Versus

1. State Election Commission, Bihar through its Secretary, Virchand Patel Marh, Patna.
2. The State of Bihar through District Magistrate, Patna
3. Deputy Development Commissioner, Patna
4. The Sub Divisional Officer-cum- Election Registration Officer, Patna Sadar, Election Department, Patna
5. The Block Development Officer, Patna City, Patna
6. The Block Development Officer-cum-Provisional Authority Sampatchak Block, Patna
7. The Circle Officer, Patna City, Patna.
8. The Sub-divisional Officer, Patna City, Patna

.... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Gajendra Pratap Singh, Advocate
For the SEC	:	Mr. Amit Shrivastava with Mr. Sanjeev Nikesh, Advocates
For the State	:	Mr. Suni Kumar Mandal, SC 3 with Mr. Arjun Prasad, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 24-04-2017



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

2. The petitioners have filed the present writ application for the following reliefs:

“(i) For issuance of a writ in the nature of a writ of mandamus directing and commanding the respondent authorities particularly Respondent No. 1, the State Election Commission, Bihar for restoration of Booth with it’s existing voters/pulling out the booths as to be proposed as well published in the village of Nandlal Chhapra and Ashochak for the electorate of Ward No. 46 of Patna Municipal Corporation as it was prior to this proposed general municipal election, 2017 to be held.

(ii) For issuance of a writ in the nature of a writ of mandamus directing and commanding the respondent authorities particularly Respondent No. 1, the State Election Commission, Bihar to get the final voter list of ward no. 46 to be corrected in numbers which has been published with absurdly inflated numbers of voters in terms of 2012 voter list of voters in ward no. 46 There are 35596 voters for Ward No. 46 for 2017 election which was 21292 in 2012, meaning thereby a increase of about 14000 voters compared to the total enhancement of about 15000 voters in 75 wards of Patna Municipal Corporation area. But



alone in Ward No. 46 there is an increase of about 14000 voters by removing nonvoters of Ward No. 46.

(iii) For issuance of any other writ(s), order(s) as your Lordships may deem fit and proper in the facts and circumstances of the case in hand.”

3. Learned counsel for the petitioners submitted that there is unexplained increase in the number of voters in particular Ward and many voters, who are residents of Ward No. 46, have been shown as voters of various other Wards.

4. Learned counsel for the State Election Commission submitted that all the representations filed by the petitioners are much beyond the dates fixed pursuant to the draft publication and even after final publication. Learned counsel submitted that in view of there being no averments that there is any difference between the provisional list and final list, the presumption in law would be that the authorities have been consistent in publishing the voter list.

5. Having considered the matter, the Court is not inclined to go into the merits of the matter, for the simple reason that the stage has long passed and much water has flown. In election matters, where rights are crystallized strictly in terms of statutory provisions, persons who are complacent cannot be allowed to come to the Court at their own sweet will and time without first adhering to the



statutory stipulation. It is not the case of the petitioners that the State Election Commission had not fixed the time schedule for inviting objections.

6. That being the case, sufficient and reasonable time having been afforded at various stages, including for filing of objections, and the same not being availed and at the very last hour and much beyond the stipulated time schedule, the petitioners making grievance, in the considered opinion of this Court, is not fit to be entertained. Moreover, the same, at this belated stage, shall definitely delay the elections, which the Court would not desire as the Constitution requires that holding of elections should be facilitated as ultimately the will of the people should be reflected through the democratic exercise of their franchise.

7. For the reasons aforesaid, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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