

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6589 of 2017

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Md. Salauddin Son of Late Abdul Zabbar, Resident of Village-Auraiya (Ward No. 6 Nagar Panchayat Dhaka), P.O. + Police Station-Dhaka, Sub-Division-Sikrahana, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing, Department, Government of Bihar, Patna.
3. The Director Municipal Administration, Urban Development and Housing Department, Government of Bihar, Patna.
4. The District Magistrate, East Champaran, District-East Champaran, Motihari.
5. The Sub-Divisional Officer, Sikrahna, District-East Champaran at Motihari.
6. The Executive Officer, Nagar Panchayat Dhaka, P.O. and Police Station Dhaka, District-East Champaran at Motihari.

..... Respondents 1st Set.

7. The State Election Commissioner (Municipality), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
8. The Joint Election Commissioner, the State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
9. The Secretary, the State Election Commission (Municipality), Sone Bhawan, Birchand Patel, Path, Patna.
10. The Returning Officer, Dhaka Nagar Panchayat-cum-Sub-Divisional Officer, Sikrahana, District-East Champaran, Motihari.

.... Respondents 2nd Set.

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Roy, Advocate
For the State	:	Mr. Ranjay Kumar Singh, A.C. to S.C. 6
For the SEC	:	Mr. Amit Shrivastava and Mr. Ritesh Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH



ORAL JUDGMENT

Date: 11-07-2017

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

2. The petitioner has moved the Court for the following reliefs:

“1. That this is an application for issuance of an appropriate writ order or direction for quashing the order issued under the signature of Respondent No. 2 vide letter No. 2765 dated 19.4.2017 and in compliance of that the general notice issued on same day 19.4.2017 under the signature of Respondent No. 10 the Returning Officer, Dhaka Nagar Panchayat-cum-Sub-Divisional Officer, Sikrahana, District-East Champaran, Motihari by which the Municipal Election of Dhaka Nagar Panchayat notified on 19.4.2017 to be held on 21.5.2017 was postponed giving reference to a order of this Hon’ble Court dated 18.4.2017 passed in C.W.J.C. No. 4697 of 2017 inspite of this fact by the said order of this Hon’ble Court direction of Dhaka Nagar Panchayat was not stop and be further give direction to complete the election process of Dhaka Nagar Panchayat which was notified on 19.4.2017 on its schedule programme and if it is not possible alongwith the Municipal Election of 2017 of second phase for which voting is on 4.6.2017.”

3. In view of the order passed in C.W.J.C. No. 4697 of 2017 dated 18.04.2017, the relief cannot be allowed as it would mean that the respondent authorities shall have to hold election of the Nagar Panchayat whereas in the order dated 18.04.2017, the Court has made it clear that the next election would be held of upgraded



Dakha Nagar Parishad.

4. In view thereof, the writ petition, as framed cannot be entertained and accordingly, the same stands dismissed.

5. The petitioner, if so advised, may pursue his remedy before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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