

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1397 of 2017

Dharamsheela Devi, wife of Sanjay Lal, resident of village- Pipra Mardan
Raiker, P.S. Karahgar, District- Rohtas (Sasaram)

... .. Appellant/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The District Magistrate cum District Election Officer (Panchayat), Rohtas at Sasaram, District- Rohtas at Sasaram
3. The District Panchayat Raj Officer, Rohtas at Sasaram, District- Rohtas at Sasaram
4. The Block Development Officer, Kargahar, District- Rohtas at Sasaram
5. The Circle Officer, Kargahar, District- Rohtas at Sasaram
6. Sri Dhanji Niniya, son of Baleshwar Nomiya, resident of village- Jagdatpur, P.S. Kargahar, District- Rohtas at Sasaram
7. The State Election Commission (Panchayat) Bihar, Patna through the State Election Commissioner
8. The Joint Secretary, State Election Commission (Panchayat), Vishwararia Bhawan, Patna
9. Guriya Devi, wife of Roop Chand, resident of village- Baban Baretha, P.S. Kargahar, District Rohtas at Sasaram, presently Pramukh of Block Panchyat Samiti, Kargahar, District- Rohtas at Sasaram

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sandeep Kumar, Advocate Mr. Abhishek Kumar, Advocate
For the State For State Election Commission	:	Mr. Manish Kumar, AC to AAG-6 Mr. Amit Shrivastava, Advocate Mr. Girish Pandey, Advocate
For Respondents	:	Mr. S.B.K.Mangalam, Advocate Mr. Bhagwati Prasad, Advocate.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 17-10-2017 Considering the fact that various legal issues, which include the power of the State Election Commission to nullify the election after it is held, are pending consideration before the



learned writ court on merit and taking note of the same if the declaration of the result has been stayed, we see no reason to interfere in the matter at this interlocutory stage. When question of law, including the question as to whether in exercise of power under Section 136(2) of the Panchayat Act, the State Election Commission can nullify the election already held and whether it is only the jurisdiction of the Election Tribunal to do so, is to be decided by the writ court, we see no reason at this interlocutory stage to interfere into the matter.

We dismiss the appeal with request to the learned writ court to decide the writ petition on merit at an earlier date.

(Rajendra Menon, CJ)

spandey/-

(Anil Kumar Upadhyay, J)

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