

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2367 of 2016

IN

Civil Writ Jurisdiction Case No. 13753 of 2016

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Tej Pratap Tyagi, Son of Sri Subhash Chandra Sushil, Resident of Village-
Vidyanagar, Post Office- Guria, Police Station- Jadia, District- Supaul.

.... Petitioner- Appellant/s

Versus

1. The State of Bihar.
2. The Commissioner, State Election Commission, Bihar, Patna.
3. The Deputy-cum-District Election Officer (Panchayat), Madhepura.
4. The District Assistant Election-cum-District Panchayat Raj Officer, Madhepura.
5. Md. Mamun Rashid, Son of Late Abdul Hakim, Resident of Village- Garha
Rohmanpur, Post Office- Jharkaha, Police Station- Shankarpur, District-
Madhepura.

.... Respondents-Respondent/s

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Appearance :

For the Appellant/s : Mr. Suraj Narain Yadav, Advocate

For the Respondent/s : Mr. Pushkar Narain Shahi-AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 15-05-2017

Challenge in this appeal is made under clause 10 of the
Letters Patent to an order dated 24.11.2016 passed by the learned
Writ Court in Civil Writ Jurisdiction Case No.13753 of 2016.



Challenging the concurrent orders passed by the State Election Commission and the Writ Court in the matter of imposing a penalty of Rs.500/- per day for the period 07.06.2016 to 04.07.2016, this appeal has been filed.

Petitioner was Returning Officer in a Panchayat Election held in accordance to the Bihar Panchayat Raj Act, 2006 and the Bihar Panchayat Election Rules, 2006 and on a complaint made against him for breach of Rule 113(a) of the Rules pertaining to grant of document after the election, finding the petitioner has caused delay in supplying the documents, the fine in question has been imposed by a detailed order after enquiry by the State Election Commission and the said order has been upheld by the learned Writ Court.

Even though, learned counsel for the appellant tried to indicate that the concurrent orders passed by the State Election Commission and the Writ Court are perverse and contrary to the material available on record, having heard learned counsel for the parties at length, we find no reason to make any indulgence into the matter. In a detailed order running into 12 pages, the learned Writ Court has gone into various aspects of the matter and finding the petitioner to have violated the statutory rule in supplying the documents, the impugned action has been upheld by the learned



Writ Court. In doing so, we are of the considered view that the learned Writ Court has not committed any error warranting reconsideration. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N.A.F.R
CAV DATE	N.A.
Uploading Date	18.05.2017
Transmission Date	

