

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18889 of 2016

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1. Md. Faizan Ahmed, Son of Jasimuddn Khan Amani, Resident of Mohalla-Doodh Katora, P.O. Ara, P.S. Ara Town, District-Bhojpur at Ara, Ward Councilor of Ward No. 27, Ara Municipal Corporation, Ara, District-Bhojpur at Ara.
 2. Amarendra Kumar, Son of Sri Bhagwan Chaubey, Resident of Mohalla-Powerganj, Bihari Mill Ara, P.O. and P.S. Ara Nawada, District-Bhojpur at Ara, Ward Councilor of Ward No. 45, Ara Municipal Corporation, Ara District-Bhojpur at Ara.
 3. Shashi Kant Saxena, Son of Dr, Ramu Singh, Resident of Mohalla-Anaith Ara, Ward No. 43, P.O. Anaith, P.S. Ara Nawada, District-Bhojpur at Ara Ward Councilor of Ward No. 45, Ara Municipal Corporation, Ara, District-Bhojpur at Ara.
 4. Dinesh Prasad, Son of Late Ganga Prasad, Resident of Mohalla-Maula Bag, P.O. Ara, P.S. Ara Nawada, District-Bhojpur at Ara, Ward Councilor of Ward No. 12, Ara Municipal Corporation, Ara, District-Bhojpur at Ara.
 5. Dr. Jitendra Shukla, Son of Late Jagdish Shukla, Resident of Swarn Kunj, Mohalla-Maharana Pratap Nagar, P.O. Ara, P.S. Ara Nawada, District-Bhojpur at Ara, Ward Councilor of Ward No. 16, Ara Municipal Corporation, Ara, District-Bhojpur at Ara.
 6. Nagendra Kumar, Son of Late Bhola Prasad Resident of Mohalla-Char Khamba Gali, P.O. Ara, P.S. Ara Town, District-Bhojpur at Ara, Ward Councilor of Ward No. 24, Ara Municipal Corporation, Ara, District-Bhojpur at Ara.
 7. Shiv Kumari Devi, Wife of Sri Ramanuj Singh Resident of Mohalla-Anaith, P.O. Anaith, P.S. Ara Nawada, District - Bhojpur at Ara, Ward Councilor of Ward No. 42, Ara Municipal Corporation, Ara, District-Bhojpur at Ara.
 8. Prem Shankar Singh, Son of Late Jagarnath Prasad, Resident of Mohalla-Begumpur, P.O. Ara, P.S. Ara Town, District-Bhojpur at Ara, Ward Councilor of Ward No. 33, Ara Municipal Corporation, Ara District-Bhojpur at Ara.
 9. Shankar Yadav, Son of Late Ram Pujan Rai, Resident of Mohalla-Dhanupra, P.O. Ara, P.S. Ara Town, District-Bhojpur at Ara Ward Councilor of Ward No. 34, Ara Municipal Corporation, Ara, District-Bhojpur at Ara.
 10. Vijay Kumar Chaudhary, Son of Late Sahu Chaudhary, Resident of Mohalla-Karman Tola. P.O. and P.S. Ara Nawada District-Bhojpur at Ara, Ward Councilor of Ward No. 38, Ara Municipal Corporation, Ara, District-Bhojpur at Ara.
 11. Jyotish Kumar Son of Late Ram Chandra Prasad, Resident of Mohalla-Dharhara Ara, P.O. Ara, P.S. Ara Town District-Bhojpur at Ara, Ward Councilor of Ward No. 35, Ara Municipal Corporation, Ara, District-Bhojpur at Ara.
 12. Nishi Devi Wife of Sri Raju Prasad Mehta, resident of Mohalla-Pakari, Ara P.O. Pakari, P.S. Ara Nawada, District-Bhojpur at Ara, Ward Councilor of Ward No. 15, Ara Municipal Corporation, Ara, District-Bhojpur at Ara.
 13. Parbati Devi, Wife of Sri Ajit Kumar, Resident of Mohalla-Chandwa Tola, P.O. Chandwa, P.S. Ara Nawada, District-Bhojpur at Ara, Ward Councilor of Ward No. 14, Ara Municipal Corporation, Ara, District-Bhojpur at Ara.

.... 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 State Election Commissioner (Municipality), Sone Bhawan, Bir Chand Patel, Bihar, Patna through the Secretary.
 4. The State Election Commissioner, The State Election Commission (Panchayat), Sone Bhawan, Bir Chand Patel, Bihar, Patna.
 5. The District Magistrate-cum-District Election Officer (Municipality), Bhojpur at Ara, District-Bhojpur at Ara.
 6. The Sub-Divisional Officer, Ara Sadar, District-Bhojpur at Ara.
 7. The Municipal Corporation through the Municipal Commissioner, District-Bhojpur at Ara.
 8. The Municipal Commissioner, Ara Municipal Corporation, District-Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S. B. K. Mangalam, Advocate
For the S.E.C.	:	Mr. Amit Shrivastava and Mr. Sanjeev Nikesh, Advocates
For the State	:	Mr. Rajiv Roy, G.P. 1 and Mr. Arun Kumar, A.C. to G.P. 1

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-01-2017

Heard learned counsel for the parties.

In view of the challenge focusing on the fact as to whether the exercise conducted by the respondents is in accordance with the official 2011 census figures, learned counsel for the petitioners has pointed out to some defects, which according to him, raise bonafide doubt with regard to the correctness of such figures.

However, faced with the situation, that in law, the respondents are to be governed only by the official 2011 census figures, he seeks permission to withdraw the writ application with liberty to move before the appropriate forum, including the High Court, in accordance with law, for challenging the erroneous census



figures.

Learned counsel for the respondents do not oppose.

Having considered the matter, the writ petition stands disposed off with the liberty aforesaid.

The interim order dated 2nd December, 2016 stands vacated.

It goes without saying that the withdrawal of the writ petition shall not prejudice the case of the petitioners. As and when they approach the appropriate forum, the matter shall be decided on its own merits. Depending on the same, the legal consequences shall follow.

(Ahsanuddin Amanullah, J.)

P. Kumar

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