

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16573 of 2016

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Divmani Devi, Wife of Late Radhe Shyam Sharma, resident of Village- Narahi,
P.O. + P.S: Kurtha, District: Arwal.

.... Petitioner/s

Versus

1. The State Election Commission, Bihar, through the Chief Electoral Officer, Bihar, Patna.
2. The District Returning Officer-cum-the District Magistrate, Arwal.
3. The Block Returning Officer-cum- Block Development Officer, Kurtha Block, District- Arwal.
4. The State of Bihar through Principal Secretary, Panchayat Raj, Govt. of Bihar, Patna.
5. Ribha Kumari, Wife of Vijayendra Yadav @ Vijendra Kumar, resident of Village- Makhdumpur, P.S- Kurtha, District- Arwal.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Pathak, Advocate
For the State	:	Mr. Ashok Kumar Gupta, A.C. to G.P. 10
For the SEC	:	Mr. Amit Shrivastava and Mr. Girish Pandey, Advocates
For the Private. Respondent/s :		Mr. Sharda Nand Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-03-2017

Heard learned counsel for the petitioner, State, State
Election Commission and respondent no. 5.

The petitioner has moved the Court for declaring the
election of respondent no. 5, to the post of Mukhiya of Bara Gram
Panchayat under result dated 14.05.2016, to be void.

After some arguments, learned counsel for the
petitioner submitted that in view of him having already filed Election
Case No. 3 of 2016, before the Munsif-cum-Election Tribunal,
Arwal, he may be permitted to withdraw the writ petition and the



Election Tribunal be directed to decide the same within a fixed time period.

Learned counsel for the respondent, especially, respondent no. 5, agrees to the same.

In view thereof, the writ petition stands disposed off with a direction to the Munsif-cum-Election Tribunal, Arwal to dispose off Election Case No. 3 of 2016 expeditiously and in any case, within five months from the date of production of a copy of this order before it. The parties have assured the Court that they shall cooperate. If the same is not done, the Tribunal shall go ahead and decide the case in accordance with law. In such an event, the same shall also be taken as a breach of undertaking before the Court by the concerned parties and may entail action by this Court also.

Since the respondent no. 5 has appeared before this Court, he shall appear before the Court below in the Election Case on the next date fixed which shall be ascertained by her.

(Ahsanuddin Amanullah, J.)

P. Kumar

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