

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5889 of 2017

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1. Vinod Kumar Singh son of late Kailash Singh, resident of Mohalla Tej Pratap Nagar, Ward No. 13, P.O. Anisabad, P.S. Beur, District Patna.
 2. Jitendra Kumar son of late Ram Prasad, resident of Mohalla Tej Pratap Nagar, Ward No. 13, P.O. Anisabad, P.S. Beur, District Patna
 3. Ran Viay Singh son of late Bindeshwari Singh, resident of Mohalla Tej Pratap Nagar, Ward No. 13, P.O. Anisabad, P.S. Beur, District Patna
 4. Nawal Kishore Prasad son of late Punit Singh, resident of Mohalla Tej Pratap Nagar, Ward No. 13, P.O. Anisabad, P.S. Beur, District Patna

.... Petitioner/s

Versus

1. The Bihar State Election Commission, Sone Bhawan, Veer Chand Patel Path, Patna 800001, represented through its Secretary, the Bihar State Election Commission, Sone Bhawan, Veer Chand Patel Path, Patna 800001.
2. The Secretary, the Bihar State Election Commission, Sone Bhawan, Veer Chand Patel Path, Patna 800001
3. The District Magistrate-cum District Election Officer (Municipality), Patna.
4. The Registration Officer, Voter list of Patna Municipal Corporation, District Patna.
5. The Circle officer-cum-Revising Authority (Municipality), Patna Sadar, Patna.

.... Respondent/s

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Appearance :

For the Petitioners	:	Mr. S. P. Srivastava, Advocate
For the SEC	:	Mr. Amit Shrivastava with Mr. Girish Pandey, Advocates
For the State	:	Mr. Bhanu Kumar, AC to SC 10

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 19-04-2017



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

2. The petitioners have moved the Court being aggrieved by shifting of many voters whose names should have been shown in Ward No. 13 and have been wrongly shown as voters of Ward No. 11 of Patna Municipal Corporation.

3. Learned counsel for the petitioners submitted that all such voters were shown as voter of Ward No. 13 in the provisional voter list but in the final voter list they have been shifted to Ward No. 11 illegally. Learned counsel submitted that the same was on the basis of a complaint of one Gopal Prasad and without following the procedure prescribed i.e., adherence of Rule 14 of the Bihar Municipal Election Rules, 2007. Learned counsel submitted that no action has been taken, despite the petitioners moving before the revisional authority, i.e., the respondent no. 5 as well as the State Election Commission.

4. At this juncture, learned counsel for the State and State Election Commission submitted that the writ petition be disposed off with a direction to the respondents no. 4 and 5 to consider the objection of the petitioners and pass a reasoned order and the same shall be acted upon and if necessary, the voter list for Wards No. 11 and 13 would be modified.



5. In view thereof, the writ petition stands disposed off with a direction to the respondents no. 4 and 5 to pass reasoned order on the objection filed by the petitioners. The same shall be forwarded to the State Election Commission through the respondent no. 3 and thereafter the State Election Commission shall get the election held on the basis of modified voter list, if so required, in terms of the order passed by the authorities concerned in terms of the present order.

6. For the said purpose, let the petitioners appear before the respondents no. 4 and 5 on 21.04.2017, along with a copy of this order. The respondents no. 4 and 5 shall pass a reasoned order, in accordance with law, after hearing the petitioner, within three working days. The same shall then be forwarded to the State Election Commission through the respondent no. 3 within the next three working days. The State Election Commission, upon receipt of the order/recommendation, shall make necessary corrections in the voter list, as may be required, within the next three working days and the election to the Patna Municipal Corporation shall be held in terms of the modified voter list.

(Ahsanuddin Amanullah, J)

Anjani/-

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