

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7977 of 2017

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Mukesh Kumar Son of Chaudhary Paswan, Resident of Village-Ladaura, Post Office-Mirzapur Chand, Police Station-Barauni, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Panchayati Raj Department, Vikas Bhawan, New Secretariat, Patna, Bihar
2. The Secretary, Panchayati Raj Department, Vikas Bhawan, New Secretariat, Patna, Bihar.
3. The District Magistrate, Begusarai.
4. The District Magistrate-cum-District Election Officer, Begusarai.
5. The Sub-Divisional Magistrate, Begusarai
6. The Block Development Officer, Barauni, District-Begusarai.
7. The State Election Commissioner, Bihar, Patna.
8. Md. Taukir Alam, Son of Md. Maqabul, Resident of Village-Mirzapur chand, P.O.-Mirzapur Chand, P.s.-Barauni, District-Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	
For the State	:	Mr. Prabhat Ranjan, AC to GP 6
For the SEC	:	Mr. Amit Shrivastava with Mr. Girish Pandey, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 07-08-2017

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

2. The petitioner has moved the Court for the following



reliefs:

“That the present writ application is being filed for issuance of the writ of Quo Warranto to declare the election of private respondent no. 8 as a member of Panchayat Samiti which falls under Ninga Panchayat under Block-Barauni, District-Begusarai, as void and not legal since he contested the election by furnishing wrong age. The private respondent no. 8 had not attained the age of 21 at the time of filling of the nomination form for election as a member of the Panchayat Samiti for the aforesaid Panchayat.

The continuation of private respondent no. 1 as an elected member of Panchayat Samiti in question would defeat the very purpose and object of the Bihar Panchayat Raj Act, 2006.”

3. After some arguments, the petitioner drew the attention of the Court to a representation filed by him before the Chief Election Commission. He submitted that the same has not been disposed off.

4. Learned counsel for the State Election Commission submitted that neither there is any averment as to on which date the application was submitted nor there is any receipt and further, there is no post or office as the Chief Election Commission.



5. Faced with the situation, learned counsel for the petitioner submitted that he may be permitted to withdraw the writ petition to file an appropriate application before the respondent no. 7 which may be directed to be disposed off expeditiously.

6. Learned counsel for the respondents do not object.

7. In view of the aforesaid, the writ petition stands disposed off with liberty aforesaid.

8. If an application is filed by the petitioner with regard to the present issue, within two weeks from today, along with a copy of this order, the same shall be considered and disposed off expeditiously, in accordance with law.

(Ahsanuddin Amanullah, J)

Anjani/-

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