

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1698 of 2016

In
Civil Writ Jurisdiction Case No.10110 of 2016

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Hushn Bano @ Hushana Bano @ Hushna Bano w/o Ajmat Ali, resident of village Soomarchak, p.s. Mohanpur, Panchayat + Post- Ambatri, District - Gaya.

... .. Appellant/s

Versus

1. The State Election Commissioner, Bihar, Patna (inadvertently mad party in writ petition in place of the commissioner, State Election Commission (panchayat), Bihar, Patna.
2. The secretary, government of Bihar, Patna (inadvertently made party in writ petition in place of the Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Gaya D.M. office Gaya (inadvertently made party in writ petition in place of District Election Officer (Panchayat) cum District Magistrate, Gaya,
4. Sub-divisional Officer, Sherghati, SDM Sherghati, Office, Gaya.
5. The Block Development Officer -cum-ARO Mohanpur, district-Gaya
6. Dulari Devi, wife of Kedar Malakar Souse (Sponsor) of Deonandan Prasad Yadav, resident of village Sindhugarh, P.S. Mohanpur, District-Gaya.
7. K.K. Yadav, Election Supervisor of Mohanpur Block, District- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shambhu Sharan Singh, Advocate
For Election Commission:		Mr. Amit Shrivastava, Advocate
		Mr. Girish Pandey, Advocate
For the State	:	Mr. Sanjay Kumar, A.C. to S.C. 8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 09-10-2017 Delay of 29 days in filing of this appeal is condoned. I.A.

No. 6949 of 2016 stands allowed and disposed of.

Seeking exception to an order dated 28.06.2016 passed by the learned Writ Court in C.W.J.C. No. 10110 of 2016 this appeal has been filed under Clause 10 of the Letters Patent.



Appellant questioned the election of Respondent No. 5 as Mukhiya of Gram Panchayat on the ground of improper acceptance/rejection of nomination papers.

The learned Writ Court finding that remedy of challenging the election on such ground is by filing an Election Petition and not a writ petition, the writ petition has been dismissed. In doing so, we are of the considered view that no error has been committed by the learned Writ Court warranting reconsideration.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

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