

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18394 of 2015

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Guru Dayal Saran S/O Sri Laxmi Narayan Singh, Secretary, Kushwaha Thakurbari Trust Summitti, Koiribari, Gaya R/o Village- Khiriyawan, P.S.- Magadh Medical Dist.- Gaya (Bihar).

.... Petitioner/s

Versus

1. The Union of India through Cabinet Secretary of India, New Delhi.
2. Chief Electoral Commissioner, Election Commission of India, New Delhi.
3. Director, Ministry of Law & Justice, Legislative Department, New Delhi.
4. Secretary, Law Commission, Union of India, New Delhi.
5. The Chief Electoral Officer, Bihar, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Yogendra Kumar Singh, Advocate.
For Union of India : Mr. S. D. Sanjay, A.S.G.
Mr. Abhay Shankar Jha, C.G.C.
For ECI : Mr. Siddhartha Prasad, Advocate.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 11-01-2017

The petitioner has preferred the present writ application by way of public interest litigation for bringing amendment in Section 33 of the Representation of the People Act, 1951 to debar the candidate from fighting elections from two constituencies and to fix minimum qualification and upper age limit of the candidate by amending Article 84 of the Constitution. The petitioner has also prayed that there should be compulsory audit of expenses incurred in the elections.

The petitioner has sought a direction for amendment of



the Constitution and the Representation of the People Act, 1951. The Court in exercise of the power of judicial review cannot direct the legislature to enact law and in a particular manner.

We find that the present writ application is wholly misconceived. Accordingly, the same is dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	13.01.2017
Transmission Date	

