

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5061 of 2017

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Raj Kumar, Son of Late Banshi Prasad, Resident of Mohalla- Bahari Begumpur,
Beldari Tola, Bakhtariya Tola, P.O. Begumpur, P.S. Bye- Pass, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
3. The State Election Commissioner, the State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
4. The Joint Election Commissioner, the State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
5. The Secretary, the State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
6. The District Election Officer (Municipality), Patna District- Patna.
7. The Sub-Divisional Officer, Patna City, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S. B. K. Mangalam, Advocate
For the SEC	:	Mr. Amit Shrivastava and Mr. Sanjeev Nikesh, Advocates
For the State	:	Mr. Yogendra Prasad Sinha, A.A.G. 7
For the Intervener Respondent	:	Mr. Krishna Kant Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-04-2017

Heard learned counsel for the petitioner, State as well as
the State Election Commission.

2. The petitioner is a *bona fide* voter of Patna Municipal Corporation of Ward No. 68. His grievance is that about 1100 persons, who were voters of Ward No. 68, in the last election but presently, where there has been no delimitation and still being residents of Ward No. 68, have been included in the final voter list



relating to Ward No. 62.

3. Learned counsel for the petitioner submitted that the voters from serial nos. 17311 to 18569 of Ward No. 62, are residents of Ward No. 68 but have wrongly been shown as voters of Ward No. 62, despite not being residents of that area and since there has been no fresh delimitation, they are required to be retained as voters of Ward No. 68.

4. Learned counsel for the State Election Commission submitted that no motive can be imputed to its officers, who have undertaken the exercise but there are always chances of some error being committed in this exercise as it is quite elaborate. He, thus, submitted that if there is a genuine error, the same shall be corrected, for which the matter be remanded to the Competent Authority.

5. In view thereof, the writ petition stands disposed off with liberty to the petitioner to file a representation before the respondent no. 7, latest by 13th April, 2017, along with a copy of this order explaining the grievance as raised in the present writ application. He may also explain his grievance orally but on the basis of facts stated in the representation. Such grievance would be looked into by the respondent no. 7 expeditiously and a final decision shall be taken by him within four working days of hearing being completed by the respondent no. 7, and the same shall



forthwith be communicated to the State Election Commission so that it can act upon such recommendation with regard to treating the voters in question as per the statutory requirements, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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