

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7294 of 2017

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Anil Kumar Singh, Son of Sri Jagarnath Singh, Resident of Village- Simri Jaitiya,
P.O. Navinagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department,
Government of Bihar, Patna.
2. Anil Kumar Singh, Son of Ram Naresh Singh, Resident of Village- Lembo
Khep, P.O. Navinagar Road, P.S. Navinagar, District- Aurangabad.
3. Dhanmati Devi, Wife of Satyendra Kumar Singh, Resident of Village- Jharahi
Dhanar, P.O. Navinagar Road, P.S. Navinagar, District- Aurangabad.
4. Ravi Shankar Singh, Son of not known to the Petitioner, Resident of Village
and P.O. Madhey, P.S. Navinagar, District- Aurangabad.
5. Ranjit Yadav, Son of Budhu Yadav, Resident of Village- Gamarhiya, P.O.
Navinagar Road, P.S. Navinagar, District- Aurangabad.
6. Lav Kumar Singh, Son of Satyendra Singh, Resident of Village- Bairiya, P.O.
Navinagar Road, P.S. Navinagar, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. B. K. Mangalam, Advocate

For the State : Mr. Pratik Kumar Sinha, A.C. to G.A. 5

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-06-2017

Heard learned counsel for the petitioner and the State.

2. Though the writ petition had initially been filed against the order of the Munsif, Aurangabad dated 03.04.2017 passed in Election Petition No. 07 of 2016, by which certain documents had been exhibited, but as of today, in view of the subsequent development, learned counsel submitted that he is restricting his prayer to a direction to the Munsif concerned for examining the Block Development Officer, Navinagar, who was the Returning Officer of the election concerned for his examination. Learned



counsel submitted that though he was to be examined as an official witness but ultimately he did not appear and was not examined and the evidence of the State has been closed and a petition filed by him to summon him as his witness is pending and the Munsif is proceeding to hear the matter finally and pass judgment. Learned counsel submitted that the same is probably in view of the order passed by this Court earlier in C.W.J.C. No. 18640 of 2016 dated 15.02.2017, by which a maximum period of four months had been fixed for deciding the Election Petition. Learned counsel submitted that the deposition of the Returning Officer is vital to his interest as it is he who will bring before the Court facts which would go to show that the election of the petitioner needs no interference.

3. Learned counsel submitted that he is restricting his prayer only to getting the Block Development Officer-cum-Returning Officer examined after which he shall conclude his argument.

4. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off with a direction to the Munsif, Aurangabad before whom Election Petition No. 7 of 2016 is pending to record the evidence of the Block Development Officer-cum-Returning Officer, Navinagar, in accordance with law.

5. Learned counsel for the State agrees that the officer



shall present himself for being examined on 7th July, 2017 at 11.00 A.M. for recording of his evidence. The Court has been informed that the case is running on a day to day basis. The concerned Munsif would thus fix the next date in the case as 7th July, 2017, when the Block Development Officer-cum-Returning Officer, Navinagar shall be present for recording of his evidence.

6. The petitioner shall communicate the order to the Court concerned latest by day after tomorrow.

7. Learned counsel for the State shall communicate the order to the officer concerned. Thereafter, the Court shall proceed with hearing arguments of all concerned, including the petitioner and shall pass final judgment without any delay.

8. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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