

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7960 of 2017

Along with

Interlocutory Application No. 5521 of 2017

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1. Chalitar Sahni, Son of Late Ram Khelawan Sahni, Resident of Village-Singhwara, P.S.- Singhwara, District- Darbhanga.
 2. Singhwara Matsayjivi Sahyog Samiti Ltd. Singhwara through its Secretary Chalitar Sahni, S/o Late Ram Khelawan Sahni.

.... Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Co-operative Department Bihar, Patna.
2. The Chief Election Officer, Bihar State Election Authority, Harding Road, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The District Magistrate cum District Election Officer, Darbhanga.
5. The District Co-operative Officer, Darbhanga.
6. The Election Officer cum Block Development Officer, Singhwara District-Darbhangha.
7. The Block Co-operative Extension Officer, Singhwara, District- Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar with Mr. P. P. Sinha, Advocates
For the State	:	Mr. Syed Iqbal Ahmad, SC 20 with Mr. Mahtab Alam, AC to SC 20 Ms. Pushpanjali Sharma, AC to SC 20
For the Election Authority	:	Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 01-08-2017



Heard learned counsel for the petitioners, State and State Election Authority.

2. In terms of the earlier order, the Block Development Officer, Singhwara is present in Court. A counter affidavit has also been filed on his behalf today. The same is taken on record.

3. In view of the fact that during the pendency of the writ application, the election in question has already been held and results declared, the grievance of the petitioners being that wrongly 482 non-members have been included in the voter list and for deleting their names and the election proceeding without those 482 persons being allowed to vote, and they not having voted, nothing remains in the present writ application.

4. Coming to the conduct of the Block Development Officer, Singhwara in the district of Darbhanga, the Court has given its opinion in detail in the previous orders. However, in view of the unconditional apology tendered by him with the assurance that he shall be very careful in performing his duty in future, the Court does not propose to pursue the issue any further. The apology tendered by him is accepted and the matter stands consigned, as far as it relates to taking judicial note of his conduct. The Court would only observe that it has been persuaded not to proceed against him also due to the fact that he has assured the Court that in future such act on his part shall



not be repeated.

5. Accordingly, the writ petition stands disposed off.

6. Interlocutory Application No. 5521 of 2017 has been filed on behalf of intervener applicant no. 1 Amresh Sahni, whose name finds place in the final voter list and intervener applicant no. 2 Ram Balak Kumar, who was one of the persons in the list of 482, who have not been allowed to vote, for intervening in the present writ application. Since the writ petition itself stands disposed off as also the fact that elections have been held and results declared, learned counsel appearing for the intervener applicants prays that he may be permitted to challenge the election as per the statutory provisions before the appropriate forum, in accordance with law.

7. In view of the aforesaid, Interlocutory Application No. 5521 of 2017 stands disposed off with liberty aforesaid. The Court would make it clear that if such a petition is filed before the competent authority/forum, the same shall be considered without being prejudiced by any of the observations which have been made in the various orders of this Court in the present writ petition.

8. It would be equally open to the petitioners to file election dispute case before the appropriate forum/authority, in accordance with law, against any of the persons, who have been elected.



9. Personal appearance of the Block Development Officer, Singhwara, Darbhanga stands dispensed with.

(Ahsanuddin Amanullah, J)

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