

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7791 of 2017

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1. Vinod Kumar Singh, son of late Kailash Singh, resident of mohalla Tej Pratap Nagar, Ward No. 13, P.O. Anisabad, P.S. Beur, district Patna
 2. Jitendra Kumar, son of late Ram Prasad, , resident of mohalla Tej Pratap Nagar, Ward No. 13, P.O. Anisabad, P.S. Beur, district Patna
 3. RanVijay Singh @ Ran Vijay Kumar Singh, son of late Bindeshwari Singh, , resident of mohalla Tej Pratap Nagar, Ward No. 13, P.O. Anisabad, P.S. Beur, district Patna
 4. Nawal Kishore Prasad, son of late Punit Singh, , resident of mohalla Setu Nagar, Ward No. 13, P.O. Anisabad, P.S. Beur, district Patna
- Petitioners

Versus

1. The Bihar State Election Commission, Sone Bhawan, Veer Chand Patel Path, Patna 800001, represented through its Secretary, the Bihar State Election Commission, Sone Bhawan, Veer Chand Patel Path, Patna 800001
 2. The Secretary, the Bihar State Election Commission, Sone Bhawan, Veer Chand Patel Path, Patna 800001
 3. The District Magistrate-cum-District Election Officer (Municipality) Patna
 4. the SDO, Patna Sadar, Patna
 5. The Registration Officer, Voter list of Patna Municipal Corporation, District Patna
 6. The Circle Officer-cum-Revising Authority (Municipality) Patna Sadar, Patna
- Respondents
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Appearance :

- For the Petitioners : M/S Shri Prakash Srivastava, Anu Priyadarshni, Santosh Kumar & Navind Anand, Advs.
- For the State : Mr. Sunil Kr. Mandal, SC III with Mr. Bipin Kumar, AC to SC III
- For the Commission : M/S Amit Shrivastava & Girish Pandey, Advs.
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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 29-05-2017

Heard the parties.

The petitioners have invoked the writ jurisdiction of this Court for quashing the order, dated 26.04.2017, at Annexure 9, passed by the respondent no. 6 in connection with Nagar Nirvachan Case No. 1 of 2017, whereby the respondent no. 6 declined to interfere with



his previous order in complete departure against the order dated 19.04.2017, passed in C.W.J.C. No. 5889 of 2017 by this Court vide Annexure 8.

Annexure 8 would reveal that the same petitioners had approached this Court in C.W.J.C. No. 5889 of 2017 with prayer that several voters of Ward no. 13 have wrongly been shown as voters of Ward no. 11 of Patna Municipal Corporation. The said shifting was made without adherence of Rule 15 of Bihar Municipal Rule, 2007. This Court disposed of the writ application with following observation in paragraphs 5 and 6 therefore.

“5 : In view thereof, the writ petition stands disposed off with a direction to the respondents no. 4 and 5 to pass reasoned order on the objection filed by the petitioners. The same shall be forwarded to the State Election Commission through the respondent no. 3 and thereafter the State Election Commission shall get the election held on the basis of modified voter list, if so required, in terms of the order passed by the authorities concerned in terms of the present order.

6 : For the said purpose, let the petitioners appear before the respondents no. 4 and 5 on 21.04.2017, along with a copy of this order. The respondents no. 4 and 5 shall pass a



reasoned order, in accordance with law, after hearing the petitioner, within three working days. The same shall then be forwarded to the State Election Commission through the respondent no. 3 within the next three working days. The State Election Commission, upon receipt of the order/communication, shall make necessary corrections in the voter list, as may be required, within the next three working days and the election to Patna Municipal Corporation shall be held in terms of the modified voter list.

The respondent no. 6 considered the order, dated 19.04.2017, passed in C.W.J.C. No. 5889 of 2017 and has reasoned that the applicants could not produce any evidence that the voters of Ward no. 11 have been shown as voters of Ward no. 13. The voter list is already rectified according to the map and BLO published by the Patna Municipal Corporation. The voters whose names were proposed to be incorporated in the voter list of Ward no. 13 were actually residents of Ward no. 11. Hence, claim of the petitioners was rejected.

After hearing the parties and considering the fact that individual voters have liberty to move the appropriate authority to consider their claim for inclusion of their name in a particular electoral roll vide Rule 14 of



the Bihar Municipal Rule, 2007, as well as provisions of Section 451 of the Bihar Municipal Act, 2007, this Court is not inclined to interfere into the disputed question of fact as to which voter is resident of which Ward. Moreover, the election of Municipality is already notified, hence, during the election change in the voter list is barred under the proviso to Section 451 of the Bihar Municipal Act, 2007.

Accordingly, this application stands disposed off.

(Birendra Kumar, J)

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