

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9001 of 2017

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Sheo Kumar S/o Late Dr. Ramji Prasad Singh R/o Muhalla - Faizabad, Ward No. 17, P.S. - Barbigha in the District of Sheikhpura.

.... Petitioner/s

Versus

1. The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
2. The State Election Commissioner, the State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
3. The Secretary, the State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
4. The District Election Officer (Municipality) cum District Magistrate, Sheikhpura.
5. The Electoral Registration Officer cum Sub Divisional Officer, Sheikhpura.
6. The Assistant Electoral Registration Officer cum Block Development Officer, Barbigha, Sheikhpura.
7. The Executive Officer, Nagar Parishad Barbigha in the District of Sheikhpura.
8. The Deputy Development Commissioner, Sheikhpura.
9. The Deputy Collector, Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate
For the State	:	Mr. Sunil Kumar Mandal, S.C. 3
		Mr. Bipin Kumar, A.C. to S.C. 3
For the SEC	:	Mr. Amit Shrivastava and
		Mr. Sanjeev Nikesh, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 12-07-2017

Heard Mr. Chitranjan Sinha, learned senior counsel

assisted by Mr. Sanjeev Kumar, learned counsel for the petitioner;

Mr. Sunil Kumar Mandal, learned counsel assisted by Mr. Bipin Kumar, learned counsel for the State and Mr. Amit Shrivastava, learned counsel assisted by Mr. Sanjeev Nikesh, learned counsel for the State Election Commission.



2. The grievance of the petitioner was that despite him having filed objection before the competent authority relating to 18 persons being resident of the Gram Panchayat area being shown to be voters in the Nagar Parishad Barbigha the same was not being looked into by the authority.

3. Today, Mr. Amit Shrivastava, learned counsel for the State Election Commission has produced copies of the letter No. 598 dated 11.07.2017 and Letter No. 61 dated 11.07.2017, which are official communications, to indicate that upon notice, those 18 persons had appeared and had taken the stand that they are resident of Barbigha Nagar Parishad and with regard to their name finding place in the Gram Panchayat, they had already filed application for the same to be deleted. Learned counsel for the petitioner submitted that copy of the detailed order by which the matter has been disposed off has not been provided to him and thus, he is unaware of the same on merits.

4. Be that as it may, once there are official communications, copies of which have been produced before the Court, there is no reason why the Court would not rely on the same in view of the fact that the basic issue that 18 persons cannot be allowed to be voters from two places at the same time, and they having filed the required application/petition for deletion of their names from the



Gram Panchayat area, nothing more remains to be adjudicated in the present writ application.

5. Accordingly, the same stands disposed off.

6. However, the order by which the representation of the petitioner was disposed off be given to him upon production of a copy of this order before the respondent no. 5. It goes without saying that the petitioner shall be at liberty to avail his remedies, in accordance with law, relating to such disposal of his representation. The petitioner would also be at liberty to apply for copies of records, which he may require from the authorities, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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