

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1614 of 2017

IN

Civil Writ Jurisdiction Case No. 12230 of 2017

=====

Manik Chandra Mallah @ Manik Chand son of late Harihar Mallah resident of Village - Andar, P.O. + P.S. - Andar, Distt. Siwan and elected Mantri of the previous election of 2012 of Andar Block Matasyajivi Sahyog Samiti, Siwan.

.... Appellant/s

Versus

1. The State of Bihar.
2. Secretary, Bihar State Election Authority, Patna.
3. District Magistrate-cum-District Election Officer, Matasyajivi Sahyog Samiti, Siwan.
4. District Cooperative Officer, Siwan.
5. Block Development Officer-cum-Returning Officer, Matasyajivi Sahyog Samiti Limited.
6. Block Co-operative Extension Officer, Andar, Siwan.
7. Chhotelal Sahani son of late Rambilash Sahani resident of Village - Kandhpokar, P.S. - Osao, Distt.- Siwan.
8. Gopal Sahani son of Devnarayan Sahni resident of Village - Kandhpokar, P.S. - Osao, Distt.- Siwan.
9. Mahanth Bin son of Babulal Bin resident of village - Rakauli, P.S. - Raghunathpur, District - Siwan.
10. Nanhe Bin son of Ramusare Bin resident of village - Rakauli, P.S. - Raghunathpur, District - Siwan.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Pandit, Adv.
For the Respondent/s : Mr. Chitranjan Sinha (PAAG2)

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 08-05-2018



Heard counsel for the appellant, counsel for the private respondents as well as the State Election Authority.

It is a unique case in which the appellant has tied himself in knots. He approached the writ Court raising certain grievances with regard to the manner in which the voter list was prepared or manipulated by inclusion of certain names which was not palatable to him. The learned Single Judge went into the entirety of the dispute and after hearing the parties, did come to a considered opinion that there were certain things which were amiss.

If that was the conclusive finding then the decision to stay the election and thereafter cancel the said election cannot be said to be erroneous decision taken by him.

The decision of the learned Single Judge to set aside the election in the totality of the nature of the dispute and facts cannot be said to be erroneous. Merely because the appellant has failed in his game plan and the entire exercise has back fired on him he cannot be now permitted to assail the said decision in the present appeal on spacious ground.

Appeal, therefore, stands dismissed.

The State Election Authority would be well advised now to hold a fresh election by ensuring that the disputes which were raised in relation to the conduct of the election as well as preparation



of voter list etc. are all remedied before the said election schedule is announced.

Appeal is otherwise dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2018
Transmission Date	NA

