

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23309 of 2011

=====

Shabrun Nisa D/O Md. Zahir Mansuri, W/O Md. Sakil, R/O Ward No. 6,
Hathiaundha, Vill.+P.O.-Hathiaundha, P.S.-Bihariganj, Distt.-Madhepura

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The State Election Commissioner, Bihar, Patna through Commissioner
3. The State Election Commissioner, Bihar, Patna
4. The Secretary, State Election Commission, Bihar, Patna
5. The District Magistrate, Madhepura
6. The Block Development Officer, Bihariganj, Madhepura
7. Arun Kumar, Ward No. 12, R/O Village-Hathiaundha, P.O.-Hathiaundha,
Block/P.S.-Bihariganj, Distt.-Madhepura

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Senior Advocate

Mr. Mukesh Kumar Singh, Advocate

Mr. Gyanendra Kumar, Advocate

For the Respondent-State : Mr. Kinkar Kumar, SC-9

For the Respondent-SEC : Mr. Amit Shrivastava, Advocate

Mr. Sanjeev Nikesh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-09-2018

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the State Election
Commission.



2. By way of the present writ petition the petitioner has prayed for quashing of the order dated 08.12.2011 in Case No.66 of 2011 whereby the petitioner who was elected as Mukhiya of Gram Panchayat Hathiaundha P.S. and Block-Bihariganj in the district of Madhepura was disqualified for holding the post as Mukhiya in terms of Rule 117 of the Bihar Panchayat Election Rules, 2006.

3. The operation of the aforesaid impugned order dated 08.12.2011 was stayed by this Court vide order dated 23.12.2011.

4. It is pointed out by the learned counsel for the State Election Commission that the duration for which the Gram Panchayat Hathiaundha had been constituted in which the petitioner was elected as Mukhiya came to an end in the year 2016 itself. He contended that thereafter a fresh election of Panchayat has already taken place. Hence, the writ petition has become infructuous.

5. Mr. Rajendra Prasad Singh, learned senior advocate submitted that if the State Election Commission concedes that the order impugned would not prejudice the case of the petitioner in any future proceeding, the writ petition may be disposed of as infructuous.



6. Learned counsel for the State and State Election Commission stated that they have no objection if the Court makes any observation that the order impugned would not cause any prejudice to the petitioner in any future proceeding.

7. In view of the submissions made above, the writ petition is disposed of as the duration for which the Gram Panchayat had been constituted has already lapsed and, after dissolution of the Gram Panchayat, fresh election has already taken place.

8. It is made clear that any finding or observation made by the State Election Commission in the impugned order dated 08.12.2011 would cause no prejudice to the rights of the petitioner in any future proceeding.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.09.2018
Transmission Date	NA

