

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9215 of 2016

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Ashish Kumar Rai @ Kanchan Rai son of Arun Kumar Rai resident of village
- Mataili Khemchand, Police Station - Rupauli, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Purnea.
2. The Sub-Divisional Officer, Rupaul, Purnea.
3. The Block Development Officer-cum-Returning Officer, Panchayat Election, Rupauli, Purnea.
4. The Bihar State Election Commission (Panchayat), through its Election Commissioner, Sone Bhawan, Birchand Patel Path, Patna.
5. Ajay Kumar @ Pappu Mandal son of Ram Prakash Mandal resident of village - Mataili Khemchand, Police Station - Rupauli, District - Purnea.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Manish Kumar No-2, Advocate
For the State	:	Mr. Sunil Kumar, AC to GP-11
For the SEC	:	Mr. Amit Shrivastava, Advocate
		Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 27-11-2018

Section 137 of the Bihar Panchayat Raj Act, 2006 stipulates that the election to any office of a Panchayat or a Gram Katchahry shall not be called in question except by an election petition as prescribed. Proviso to sub-section (1) of Section 137 provides that if an election to any office of a Gram Panchayat or Gram Katchahry is under dispute, the election petition shall lie before such Munsif whose jurisdiction such Gram Panchayat or



Gram Katchahry is situated and if the election to any office of Panchayat Samiti or to a Zila Parishad is under dispute, the election petition shall lie before such sub-judge within whose jurisdiction such Panchayat Samiti or Zila Parishad, as the case may be, is situated.

2. The petitioner has filed the instant writ petition for a direction to the respondent authorities to hold fresh election as irregularities had been made in the Panchayat Election 2016 in Rupauli Block, Purnea including the election of Gram Panchayat Mataili Khemchand.

3. In view of the statutory remedy being available to the petitioner under Section 137 of the Bihar Panchayat Raj Act, 2016, I am not inclined to entertain the instant writ petition. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

