

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1393 of 2017

In

Civil Writ Jurisdiction Case No.5211 of 2017

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The District Election Officer (Municipality) Cum District Magistrate
Sheikhpura & Anr

... .. Appellant/s

Versus

The State Election Commission & Ors

... .. Respondent/s

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Appearance :

For the Appellant/s	: Mr. P. N. Shahi, A.A.G.-6
	: Mr. Mritunjay Kumar, A.C. to A.A.G.-6
	: Mr. Sanjeet Kumar, A.C. to A.A.G.-6
For the Commission	: Mr. Amit Shrivastava, Adv.
	: Mr. Girish Pandey, Adv.
For the Respondent No.12.	: Mr. S.B.K. Manglum, Adv.
For the Respondent Nos.10&11:	Mr. Sanjeev Nikesh, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 09-10-018

Re:Interlocutory Application No. 7224 of 2017.

1. The present Interlocutory Application has been filed for condonation of delay in preferring the present Letters Patent Appeal.
2. On the ground mentioned in the Interlocutory Application, the delay in preferring the present Letters Patent Appeal is condoned.
3. Accordingly, I.A. No. 7224 of 2017 is disposed of.



Letters Patent Appeal No.1393 of 2017.

1. Learned counsel appearing on behalf of the respective respondents waives service of notice of admission. In the facts and circumstances of the case, the present Letters Patent Appeal is taken up for hearing today.

2. Feeling aggrieved and dissatisfied by the impugned order dated 17.08.2017 passed by the learned Single Judge in C.W.J.C. No. 5211 of 2017, more particularly, paragraph-5 of the said order by which respondent Nos. 11,12 and 13 were directed to be remain present in the Court on 13th of October, 2017, the appellants have preferred the present Letters Patent Appeal.

3. Sri S.B.K. Manglum, learned Advocate has appeared on behalf of the original writ petitioners and he has submitted at the Bar that so far as original writ petitioners are concerned, as consequently their names are included in the voter list, necessary changes are made in the final voter list, as such, the cause does not survive. Therefore, he seeks permission to withdraw the main writ petition as the cause does not survive now.

3.1. However, it is further submitted by Sri S.B.K.



Manglum, learned Advocate appearing on behalf of the original writ petitioners that earlier the exclusion of the names of the original writ petitioners and their family members from the voter list of ward No.18 was absolutely arbitrary and illegal therefore, the learned Single Judge has rightly directed the original respondent Nos. 11, 12 and 13 to remain present in the Court. However, the same is, ultimately, left to the Court.

4. Considering the stand taken by the learned counsel appearing on behalf of the original writ petitioners and now a statement recorded hereinabove and as such now no cause to continue with the main writ petition survives as the names of the original writ petitioners and their family members are included in the voter list of ward No. 18, which was prayed in the main writ petition, we permit the original writ petitioners to withdraw the main writ petition being C.W.J.C. No. 5211 of 2017. The main writ petition being C.W.J.C. No. 5211 of 2017, thus, stands dismissed as withdrawn as no cause survives in view of the subsequent development.

5. Registry to make necessary entry in the record.

6. The present Letters Patent Appeal is allowed to the aforesaid extent and as observed herein above, the writ



petition being C.W.J.C. No. 5211 of 2017 stands dismissed as
withdrawn.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Brajesh/-

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