

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.573 of 2019

Umrawati Devi Wife of Sri Raj Kumar Singh, Resident of Ward No.4, Nagar Panchayat Koilwar, P.O. and P.S. Koilwar, District-Bhojpur at Ara.

... .. Petitioner

Versus

1. The State Election Commission (Municipality) through the State Election Commissioner, Sone Bhawan, Birchand Patel Path, Patna.
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 Patha, Patna.
4. Yadvendra Kumar Son of Sri Ram Swaroop Singh, Resident of Mohalla-Koilwar, P.O. and P.S. Koilwar, District-Bhojpur at Ara.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.S.B.K. Mangalam, Advocate
For the Respondent/s	:	Mr.Amit Shrivastava, Advocate
		Mr.Girish Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-05-2019 The petitioner in the present case claims that she had submitted a complaint under Section 18(2) of the Bihar Municipal Act, 2007 before the State Election Commission with a prayer to disqualify the private respondent no. 4 from holding the post of Ward Councilor on the ground that even though he filed his nomination to contest for the post of Ward Councilor from Ward No. 10 of Koilwar Nagar Panchayat, the then Returning Officer had illegally declared him as a candidate in Ward No. 4 and, therefore, he is disqualified to hold the post.

At this stage, learned counsel for the petitioner seeks a



direction to the State Election Commission to consider his complaint and dispose off it in accordance with law which is said to have been filed on 24.07.2017.

Learned counsel for the State Election Commission, however, points out that the copy of complaint enclosed as Annexure 'P-2' in the writ application does not contain any acknowledgment showing receipt of the same in the office of State Election Commission, therefore, it is not known whether the complaint was actually filed on the date stated by the petitioner.

Keeping in view the aforesaid contention of the State Election Commission, the State Election Commission is hereby directed to consider the complaint of the petitioner, if any presented before the Commissioner on 24.07.2017 and dispose off the same in accordance with law within a period of 60 days from the date of receipt/production of a copy of this order.

This writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

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