

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10148 of 2019

Shankar Charan Tripathi S/o Rameshwar Prasad Tripathi Resident of 5/1224,Viram Khand,Gomati Nagar,Lucknow,P.S.Gomati Nagar, District Lucknow(Uttar Pradesh), presently residing at B-9, Vivekanand Marg, Patliputra Colony,P.O. and P.S. Patliputra, District Patna

... .. Petitioner/s

Versus

1. The Election Commission of India New Delhi through the Chief Election Commissioner
2. The Chief Electoral Officer, Bihar, Patna
3. The Returning Officer, 30,Patna Sahib Parliamentary Constituency,Patna,Dist.-Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B,K. Mangalam, Advocate
For the Ele.Comm. of India	:	Mr. Siddhartha Prasad, Advocate
		Mr. Sunil Kumar, Advocate
		Mr. Om Prakash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 08-05-2019

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for the following reliefs, as formulated by the petitioner--

“(i) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent no. 3 to produce and record his decision dated 30.04.2019 by which he was pleased to reject the nomination papers filed by the petitioner to contest Parliamentary Election, 2019 from 30-Patna Sahib Parliamentary Constituency and on production the same may be quashed by issuance of an appropriate writ in the nature of certiorari on the ground that for the purposes of rejection of nomination papers filed by the petitioner, the respondent no. 3 has acted



arbitrarily, malafide and not only contrary to the instructions of the Election Commission of India but he has also violated the provisions contained under Section 36 of the Representation of the People Act, 1951 (hereinafter referred to as the 'R.P. Act, 1951').

(ii) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent authorities to accept the nomination paper of the petitioner and allow him to contest the Parliamentary Election, 2019 from 30-Patna Sahib Parliamentary Constituency and to make necessary arrangements therefor.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case."

3. Pursuant to the order dated 06.05.2019 a supplementary affidavit has been filed explaining the circumstances in which the last three pages of the affidavit in Form 26 comprising Part-B thereof shows the stamp and signature of the Notary as seen at pages 31, 32 and 33 of the writ petition, whereas, the Notary's stamp and signature are not present on the corresponding pages 47, 48 and 49 of the counter affidavit.

4. After some argument, however, learned counsel for the petitioner Mr. S.B.K. Mangalam seeks permission to withdraw the writ petition with liberty to take recourse to any remedy as may be available in accordance with law.



5. The writ petition stands dismissed as withdrawn
with the aforesaid liberty.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.05.2019
Transmission Date	N.A.

