

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1371 of 2019

Shankar Tiwari @ Shankar Tripathi, male, aged 49 years, Son of Krishna Kant Tiwari, R/o Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.

... .. Petitioner

Versus

1. Munmun Paswan Son of late Madho Paswan, R/o Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block Shahpur, Bhojpur- 802154, Bihar.
Respondent 1st Set
2. Baliram Yadav, Son of late Jhagaru Yadav, R/o Village Randhadih, P.O. and P.S. Shahpur, Block Shahpur, District- Bhojpur.
3. Rina Devi, W/o Bhagtesh Tiwari, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
4. Manoj Tiwari, Son of Raghunath Tiwari, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
5. Manoj Tiwari, Son of Umakant Tiwari, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
6. Vivek Kumar Tripathi, Son of Om Prakash Tiwari, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
7. Vidhur Ram, Son of late Harihar Ram, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
8. Urmila Devi, W/o Ashok Ram, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
9. Minti Devi, W/o Vakil Yadav, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
10. Hawaldar Anshari, Son of Jalil Anshari, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
11. Hariram Mishra, Son of Premdhari Mishra, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
12. Krishna Kumar, Son of Kashinath Saw, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
13. Nishant Kumar, Son of late Dinesh Tiwari @ Lalu Tiwari, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
14. Priti Kumari, W/o Bablu Chaube, Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block- Shahpur, Bhojpur- 802154, Bihar.
15. Manish Tiwari, Son of late Awdhesh Tiwari@ Dayadh Tiwari,



Resident of Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block-Shahpur, Bhojpur- 802154, Bihar.

16. Rina Devi, W/o Nirmal Yadav, R/o Village Ranadih, P.O. Bilauti, P.S. Shahpur, Block Shahpur, District- Bhojpur, Bihar
17. Ram Narayan Tiwari, S/o la te Brijbihari Tiwari, R/o Village- Bilauti, P.O. Bilauti, P.S. Shahpur, Block Shahpur, Bhojpur- 802154, Bihar.
18. Returning Officer Cum B.D.O. Block Shahpur, District- Bhojpur, Bihar.
19. The State Election Commission, Through Secretary Son Bhawan, 3rd floor, Veerchand Patel Marg, Patna, Bihar.

... .. Respondents

Appearance :

For the Appellant	:	Mr. Binod Kumar-Advocate Mr. Ashutosh Nath-Advocate
For the Respondents	:	Mr. Amit Shrivastava-Advocate Mr. Girish Pandey-Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

19-09-2019

At the outset, it is submitted by Mr. Ashutosh Nath, learned counsel for the petitioner that due to inadvertence, this application has been filed under Article 227 of the Constitution of India as Civil Miscellaneous Case.

He submitted that against the orders impugned dated 30.01.2019 and 19.03.2019 passed by the Munsif, Jagdishpur, Bhojpur, Ara, Bihar, an application under Article 226 of the Constitution of India would be maintainable before this Court.

Having made the aforesaid submissions, he sought leave to withdraw the present application with liberty to challenge the orders impugned by way of filing an application in accordance with law before this Court in the same subject



matter.

Leave is granted.

The application is disposed of.

(Ashwani Kumar Singh, J)

vikash/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.09.2019
Transmission Date	20.09.2019

