

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5544 of 2011

Hari Shankar Pathak S/O Sri Surya Pathak R/O Vill.- Niyazipur Garjam
Pathak Ka Dera, P.O.- Gangauli, P.S.- Simri, Distt.- Buxar

... .. Petitioner

Versus

1. The State Of Bihar
2. Bihar State Election Commission Through The Election Commissioner Sone Bhawan , 3rd Floor, Birchand Patel Marg , Patna
3. District Magistrate Cum Director Election Officer (Panchayat) Buxar
4. Deputy Collector Land Reforms Cum Electoral Registration Officer, , Bihar Vidhan Sabha Brahmpur
5. B.D.O. Simri Cum Electoral Registration, Officer, Panchayat Election 2011 Simri Prakhand, Distt. Buxar.

... ..Respondents 1st Party

6. Sheshnath Pathak son of Late Sheodatt Pathak, resident of Mouza Dada Baba Ka Dera, Panchayat Rajpur Kala , Prakhand and P.S. Simri, Distt. Buxar.
7. Smt. Manamoti Devi, wife of Shri Sheshnath Pathak resident of Mouza Dada Baba Ka Dera, Panchayat Rajpur Kala , Prakhand and P.S. Simri, Distt. Buxar
8. Ranjit Pathak, son of Sri Sheshnath Pathak resident of Mouza Dada Baba Ka Dera, Panchayat Rajpur Kala , Prakhand and P.S. Simri, Distt. Buxar
9. Sanjay Pathak son of Sri Sheshnath Pathak, resident of Mouza Dada Baba Ka Dera, Panchayat Rajpur Kala , Prakhand and P.S. Simri, Distt. Buxar
10. Sarabjeet Pathak son of Sri Sheshnath Pathak, resident of Mouza Dada Baba Ka Dera, Panchayat Rajpur Kala , Prakhand and P.S. Simri, Distt. Buxar
11. Ashwini Pathak son of Janardhan Pathak resident of Mouza Dada Baba Ka Dera, Panchayat Rajpur Kala , Prakhand and P.S. Simri, Distt. Buxar.

... .. Respondents 2nd Set.

Appearance :

For the Petitioner/s	:	Mr.Raghunath Kumar, Advocate
For the SEC	:	Mr. Sanjeev Nikesh, Advocate
For the Respondent/s	:	Mr.Mahendra Pd. Verma, A.C. to SC.20

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 07-01-2019

This writ application was filed in the year 2011 with a prayer to quash the exclusion of respondent 2nd party from the voter list of Rajpur Kala Gram Panchayat, Booth No. 16 and their inclusion in Niyazipur Khurd Gram Panchayat, Booth No. 23 of Assembly Constituency 199 – Brahmpur by respondent Block



Development Officer (in short the 'BDO') (respondent no. 5) as contained in Annexure-10.

Learned counsel representing the Bihar State Election Commission submits that this writ application has in fact become infructuous. It will be evident from the materials available as part of Annexure-12 to the supplementary affidavit filed on behalf of the petitioner. In paragraph-3 of the supplementary affidavit the petitioner has made statement that during pendency of the writ petition the objection preferred by the petitioner before respondent no. 3 challenging the action of the BDO relating to de-limitation of Niyazpur Panchayat and Rajpur Kala Panchayat was processed and the District Panchayat Raj Officer was given direction to enquire into the matter who after enquiry submitted his report disapproving the action of the BDO. The aforesaid report was examined at various level and ultimately the respondent District Magistrate approved the report of the District Panchayat Raj Officer holding that until the decision of the writ petition in the High Court the de-limitation will not be given effect to. A copy of the report of the District Panchayat Raj Officer and the action taken thereon has been enclosed as Annexure-12.

Learned counsel representing the Bihar State Election Commission further submits that in fact no de-limitation of any



panchayat has taken place and therefore the decision of the BDO has not yet been given effect. It is submitted that de-limitation can be made only after the order of the State Government and for the present there is no proposal for de-limitation.

In the aforesaid view of the matter, the writ application stands disposed of taking note of the fact that the action of the BDO, if any, with regard to the de-limitation has not taken effect and till date since the State Government has not issued any order granting such de-limitation, the name of the petitioner shall continue in the voter list as earlier.

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	08.01.2019
Transmission Date	

