

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1491 of 2019

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Archana Kumari Gupta, W/o Vinay Kumar, R/o Bhelwatand,P.S. & Block-Sirdala,Distt.-Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Panchayati Raj Department Govt. of Bihar,Patna
2. The Principal Secretary, Panchayati Raj Department Govt. of Bihar,Patna
3. The Commissioner, State Election Commission,Bihar,Patna
4. The Joint Election Commissioner, State Election Commission,Bihar,Patna
5. The Secretary, State Election Commission,Bihar,Patna
6. The Commissioner, Magadh Range,Gaya
7. The Deputy Chief Election Officer,Magadh Division,Gaya
8. The District Magistrate, Nawada-cum-District Election Officer(Panchayat) Nawada
9. The Additional District Magistrate-cum-observer,Nawada
10. The Sub-Divisional Officer, Rajauli, Nawada
11. The Block Development Officer, Sirdala-cum-Executive Officer,Sirdala,Nawada
12. Smt. Priti Kumari W/o Laxman Kumar, R/o Bhelwatand P.S. Block-Sirdala,Dist.-Nawada

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.
For the Respondent/s : Mr.Ashok Kumar Gupta, AC to GP 10
For State Election Commission: Mr. Amit Shrivastava, Adv.
Mr.Girish Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-01-2019 Learned counsel for the petitioner as well as learned counsel representing the Bihar State Election Commission are unanimous as regards the provisions contained in Paragraph ‘19’ of the notification issued by the State Election Commission, Bihar published in the Bihar Extraordinary Gazette dated 31st August, 2010 stating that in the nature of the present dispute it is the District Magistrate, Nawada who is the competent authority



to decide the dispute.

Learned counsel for the petitioner submits that Annexure '8' is the inquiry report which has been submitted by the Deputy Development Commissioner, Jehanabad to the office of the Commissioner, Magadh Division, Gaya. The said inquiry report had been sent to the office of the State Election Commission and on receipt thereof the State Election Commission has sent a letter dated 16th November, 2018 to the District Magistrate-cum-District Election Officer(Panchayat) Nawada. Certain queries have been raised therein.

Learned counsel for the petitioner, therefore, submits that in view of the notification of the State Election Commission, the District Magistrate, Nawada who is also the District Election Officer(Panchayat) Nawada be directed to take an appropriate decision after hearing all concerned and communicate a reasoned order on the complaint of the petitioner.

In the given facts and circumstances of the case, the District Magistrate-cum-District Election Officer(Panchayat) Nawada is directed to look into the complaint of the petitioner with all relevant materials available on the record and take appropriate decision thereon after giving adequate opportunity



of hearing to all concerned. A reasoned order be passed and the same be communicated to the petitioner within a period of two months from the date of receipt/communication of a copy of this order.

The applications stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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