

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24148 of 2019

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Birendra Singh, son of late Yamuna Singh, resident of village- Kathariya, P.O. and Panchayat- Darmaha, P.S. Kesariya, District-East Champarna, Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Patna, Bihar.
2. The Chief Election Commissioner, Bihar State Election Authority, 32 Harding Road, Patna.
3. The Joint Secretary, Bihar State Election Authority, 32 Harding Road, Patna.
4. The Deputy Development Commissioner-cum-Nodal Officer (PACS Election).
5. The District Magistrate-cum-District Election Officer, East Champaran, Bettiah.
6. The District Panchayati Raj Officer, East Champaran, Bettiah.
7. District Co-operative Officer, East Champaran, Bettiah.
8. The Block Development Officer-cum-Returning Officer/Election Officer, Kalyanpur Block, P.S.-Kesariya, District-East Champaran, Bettiah.
9. The Block Co-operative Officer, Kalyanpur Block, P.S.-Kesariya, District-East Champaran, Bettiah.
10. Rajeev Ranjan @ Manoj Singh, son of late Satya Narayan Singh, resident of village- Chintawanpur, Darmaha, P.S. Kesariya, Block Kalaynpur, District East Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Niranjan Kumar, Advocate
For the State	:	Mr. Ram Ballabh Prasad Yadav, AAG-11
For the State Election Authority	:	Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-12-2019

Heard learned counsel for the petitioner; learned AC to AAG-11 for the State and Mr. Mukesh Kumar, learned counsel for the State Election Authority (hereinafter referred to as the 'Authority').



2. The petitioner has moved the Court for the following relief:

“That this is an application for issuance of appropriate writ(s), order(s), direction (s) for directing and commanding the respondent authorities to transfer the voting booth of Darmaha PACS from PACS Godown situated at Ward No.13 to earlier voting booth place i.e. Panchayat Bhawan, Kathariya, which is in the middle of the PACS + Panchayat, Darmaha, so that a fair and impartial voting may be done in accordance with letter dated 31.10.2019 contained in memo no.1727 addressed to all the District Magistrates -cum- District Election Officers and other responsible authorities issued by the Joint Secretary, Bihar State Election Authority- respondent no.3, in the interest of fair and impartial voting.

And during pendency of the writ application may be stayed the election of Chairman, PACS, Darmaha, which has been scheduled to be fixed on 13.12.2019.

And/Or

Pass such any other order/orders which may deem fit and proper.”

3. At the very outset, learned counsel for the Authority brought to the notice of the Court order dated 22.11.2019 passed in **CWJC No.23078 of 2019** in the case of **Abhishek Kumar**, in which also similar relief was prayed, which has been disposed off in view of the elections having already been notified on 31.10.2019, giving liberty to the petitioner to raise all the issues before the concerned authority in accordance with law.



4. Having regard to the aforesaid, the writ application stands disposed off in terms of the aforesaid order.

5. At this stage, learned counsel for the Authority submitted that the District Magistrates have been instructed by the Authority to look into any representation filed with regard to such grievance.

(Ahsanuddin Amanullah, J)

J. Alam/-

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