

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24985 of 2019

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Rajendra Prasad @ Rajendra Yadav, son of late Ramdas Yadav, resident of
Village- Tilakpura, P.O. Amahara, P.S. Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through State Election Authorities, Bihar, Patna.
2. The Registrar Co-Operative Department, New Secretariat, Patna.
3. The District Co-Operative Officer, Patna.
4. The Collector, Patna.
5. The Sub- Divisional Officer, Danapur, Patna.
6. The Block Development Officer, Naubatpur, Patna.
7. The Block Co-Operative Officer, Naubatpur, Patna Block, Patna.
8. Anand Kumar Singh, son of Khatrabali Singh, resident of Village- Nabahi,
P.S. Naubatpur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Rakesh Kumar Shrivastava, Advocate
For the State	: Mr. AC to GA-13
For State Election Authority	: Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 12-12-2019

Heard learned counsel for the petitioner; learned AC
to GA 13 for the State and learned counsel for the State Election
Authority.

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

*“That this application is being filed for providing
order passed by Sub-Divisional Officer, Danapur,
whereby he given direction to shift booth No.1 and
2 from Tilakpura village to Nabhi village which is
long distance from tilakpura and the voter will be
face difficulty to pole their vote and the said
shifting of the booth has made in conieance of*



the Private respondents and favouring to him which is clourable excise by the authority concerns and the petitioners further prayed a direction may issue upon the respondents not to add name as voter in the new voter list furnished by private respondent as he was dismissed from the post of Chairman of Nabhi PACS Society vide order dated 10.05.2019 by the order of Registrar Co-operative Society in Case No.116 of 2015. Inspite of those fact private respondent has recommended the name policy for adding in the voter list of PACS electon, however he is not any authority to do so as.”

3. The petitioner is aggrieved by shifting of the booth from his village to another village which is at some distance and the contention is that it would cause difficulties to the villagers. His second contention is that his name be added in the voters list for which he had applied in time and no rejection was communicated to him and thus, he would be deemed to have become a member due to such non-communication of rejection within fifteen days of the application being made. He is also aggrieved by the order by which persons recommended by the Chairman of the PACS in question, have been added in the voters list despite the Chairman himself having been dismissed from the post by the order of the Registrar dated 10.05.2019 in Case No.116 of 2015.

4. Learned counsel for the respondents submitted that the election is going to be held on 17th of this month and thus,



the Court may not interfere on this ground.

5. Learned counsel for the Authority submitted that with regard to the issue of addition in the voters list, a Division Bench of this Court by order dated 18.11.2019 in ***Gajendra Singh Vs. State of Bihar and ors. (CWJC No.22149 of 2019)***, taking note of the election having been notified on 31.10.2019, did not interfere, but gave liberty to the petitioner to raise all issues before the concerned authority in accordance with law. He further submitted that similarly with regard to change of booth, a Division Bench by order dated 22.11.2019 in the case of ***Abhishek Kumar Vs. State of Bihar (CWJC No.23078 of 2019)***, has passed similar order giving liberty to the petitioner to raise all issues before the concerned authority in accordance with law.

6. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner either to move before the statutory/concerned authorities, in accordance with law.

(Ahsanuddin Amanullah, J)

J. Alam/-

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