

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1569 of 2020

Vijay Kumar Yadav, aged about 64 years, Male, son of Pitambar Rai, Resident of Village- Sukumarpur, Block- Raghapur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Cooperative, Govt. of Bihar, Patna.
2. The Registrar, Cooperative Societies, Bihar, Patna.
3. The District Magistrate-cum-District Election Officer (Cooperative), Vaishali at Hajipur.
4. The Assistant Registrar, Cooperative Society, Hajipur Circle, District- Vaishali at Hajipur.
5. The District Cooperative Officer-cum- District Deputy Election Officer Vaishali at Hajipur.
6. The Block Development Officer- cum- Returning Officer 2019-20, Cooperative Election, Raghapur Block, District- Vaishali at Hajipur.
7. The State Election Authority Bihar, Patna through the Chief Election Officer.
8. The Secretary, the State Election Authority, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Rai, Advocate
For the Respondent/s : Mr. Uday Prasad, AC to GP 22
For State Election Authority : Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-01-2020

Heard learned counsel for the petitioner; learned AC to GP 22 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 reliefs:

“For issuance of appropriate writ/writs, order/



orders, direction/ directions commanding the respondent authorities to establish two separate booths in the forth-coming PACS Election which was scheduled to be held on 17.12.2019 however respondent no. 7 stayed the election of Jahangirpur Panchayat PACS (Raghopur Block), District- Vaishali as petitioner approached the respondent no. 7 and 8 by making complaint of improper management of exercising franchise as on part of PACS is situated on the one side of the bank of river Ganga and other side of PACS is situated on the opposite side of PACS Godown. Petitioner further seeks Hon'ble Court's indulgence commanding the respondent authorities especially respondent no. 3 and 6 to establish two booths at Jahangirpur PACs as area of said PACS is divided by flow of river Ganga and as per the guideline issued by Respondent No. 7 and 8 vide letter no. 869 dated 14.06.2019, it is incumbent upon respondent no. 3 and 6 to establish the booths each on each side of flow of river Ganga which divides the area of Jahangirpur PACS into two parts i.e. Sukumarpur and Jahangirpur.

A copy of letter no. 869 dated 14.06.2019 is annexed herewith and marked as Annexure-1 to this application.

Petitioner further seeks any other relief/reliefs for which he is found entitled in the eye of law and in the facts and circumstances of the present case."

3. Learned counsel for the Authority submitted that on a complaint received from the petitioner the Authority, on 16.12.2019, has already directed the respondent no. 3 to look into the matter and take appropriate steps. It was further submitted that the election, which was proposed to be held on



17.12.2019, has also been postponed for the time being. Learned counsel submitted that the writ petition be disposed off with direction to the respondent no. 3 to take appropriate decision expeditiously.

4. Learned counsel for the State agrees to the same.

5. In view thereof, the writ petition stands disposed off directing the respondent no. 3 to take appropriate action in terms of the direction of the Authority contained in letter no. 2356 dated 16.12.2019 with regard to the grievance of the petitioner. Such decision shall be taken after giving opportunity of hearing to all concerned, including the petitioner. In view of urgency of the matter, the Court directs the petitioner to appear before the respondent no. 3, along with a copy of this order, on 31st January, 2020. Upon doing so, the respondent no. 3 shall get the matter enquired into and shall take a final decision in the matter within three weeks thereafter. The same shall be communicated, both to the petitioner as well as to the Authority.

(Ahsanuddin Amanullah, J)

J. Alam/-

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