

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23496 of 2018

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Babita Devi W/O Ram Bachan Das, resident of Mohalla- Imadpur, P.S. - Bihar Sharif, District- Nalanda, through Manav Chetana vikas sansthan, Imadpur

... .. Petitioner/s

Versus

1. The State of Bihar represented through the State Chief Election Commissioner, Patna.
2. The District Magistrate Nalanda.
3. District Election Officer Nalanda.
4. Deputy Election Officer Nalanda.
5. Block Development Officer, Bihar Sharif Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Jha, Advocate
For the Respondent/s : Mr. Ajay- GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 06.12.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief:

“(i) The present writ application is being filed with
a prayer to amend/modify the order dated
29.06.2017 to the extend of transferring the name
of the members of petitioners society from booth
no. 155 Gandhi Harijan Primary School, Rabidas



Tola, Aharapar to Booth No. 154 Nadipar Muslim Tola Middle School, Imadpur, instead of that following may be inserted “from booth no. 154 (Madarsa Ansaira) to booth no. 155 (Imadpur Gandhi Harijan Prathmik Vidyalaya Ward No. 12).

(ii) To issue a writ in the nature of Mandamus for a direction to the respondents authorities to transfer the name of 510 voters from booth no. 154 (Madarsa Ansaria) to booth no. 155 (Imadpur Gandhi Harijan Prathmik Vidyalaya Ward No. 12) of Block- Biharsharif in the district of Biharsharif, at Nalanda.

(iii) To issue an appropriate writ/writs, order/orders, direction/directions to the respondents authorities to transfer the name of 510 voters of Schedule Casts members from booth no. 154 to booth no. 155, because the voters of booth no. 154, causing disturbance to the voters of Schedule Casts members in casting their votes.

(iv) For a direction to the authorities to transfer the names of 510 voters of schedule caste Member from booth no. 154 to booth no. 155, in order to maintain the peace and tranquility in the society, because, due to non transferring of booth there is every chance to spreading of the communal violence in the said locality.

(v) Any other relief or reliefs for which the petitioner is legally and validly entitled in the facts and circumstances of the case.”



After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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