

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7308 of 2020

Vijay Kumar Singh Son of Late Bhagya Narayan Singh, Resident of Sahdeo Path (Near Nala), Patel Nagar, P.S. Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The Election Commission of India through the Chief Election Commissioner, Nirvachan Sadan, Ashoka Road, New Delhi.
2. The Chief Election Commissioner, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi.
3. The Chief Election Officer, Bihar, Sardar Patel Marg, Mangles Road, Patna.
4. The Deputy Chief Election Officer, Bihar, 7, Sardar Patel Marg, Mangles Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Singh, Advocate
For the Respondent/s	:	Dr. K. N. Singh, ASG
		Mr. Siddharth Prasad, Advocate
		Mr. Pawan Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-08-2020

Petitioner has prayed for the following reliefs:

- “(I) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the Respondent Election Commission of India to stay the processes of election of ensuing Bihar Assembly Election, 2020 until the situation becoming normal due to pandemic COVID, 2019 as also to direct the Respondent Election Commission of India to not notify the election schedule unless and until the situation is not becoming normal.
- (II) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Election Commission of India to issue a notification for



not to hold any public meetings or sittings by any of the political parties even the meetings with their worker until the situation becoming normal due to pandemic COVID, 2019.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

Except for bald assertions, there is no material supporting the contentions.

From the averments made, we find the petition to be wholly misconceived and not maintainable. The basis for postponement of the election to the Legislative Assembly, Bihar is sought on the ground- (a) cancellation of world famous Baba Dham Yatra from Sultanganj, Bihar to Deoghar, Jharkhand; (b) voters above the age of 65 years may not be able to cast their vote.

The present petition filed in public interest on behalf of a practising advocate is shorn of particulars and facts, apart from there being no basis supporting the submissions which in any case based on mere presumptions and suppositions. Also, no judicial precedent cited in support of the petition.

The reasons assigned seeking a postponement, to our mind, do not warrant interference, particularly when the record is conspicuously silent indicating non-application of mind by the appropriate authorities. Further, there is nothing on record



indicating that the relevant authorities are not likely to account for all factors in determining the feasibility of conducting the elections to the Legislative Assembly of the State of Bihar.

Faced with this situation, learned counsel for the petitioner seeks permission to withdraw the present petition.

In the attending facts and circumstances, we allow the petition to be withdrawn.

(Sanjay Karol, CJ)

(S. Kumar, J)

PKP/-

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CAV DATE	
Uploading Date	28.08.2020
Transmission Date	

