

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7431 of 2020

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Motiur Rahman Son of Late Mir Jalil, Resident of Mohallah-Alam Tola, Ward No. 23, Near Masjid, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).

... .. Petitioner/s

Versus

1. The State Election Commission, Bihar, Bir Chand Patel Path, Patna through its Secretary.
2. The Secretary, State Election Commission, Bihar, Bir Chand Patel Path, Patna.
3. The District Magistrate-cum-District Election Officer (Nagarpalika), Araria, District-Araria, Pin Code-854318 (Bihar).
4. The Executive Officer, Nagar Parishad, Forbesganj, District-Araria, Pin Code-854318 (Bihar).
5. Safina, Wife of Noor Mohammad, Resident of Mohallah-Jumman Chauk, Ward No. 1, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
6. Hemant Kumar Rajak, son of Raj Kumar Rajak, Resident of Mohallah-State Toad, Ward No. 1, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
7. Bebi Rai, wife of Sanjay Kumar, Resident of Mohallah-Sultan Pokhar, Ward No. 3, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
8. Sarita Gupta, Wife of Kanhaiya Lal Gupta, Resident of Mohallah-Forbesganj, Ward No. 4, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
9. Sunita Jain, wife of Pradeep Jain, Resident of Mohallah-Manik Chand Road, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
10. Uma Shankar Yadav, Son of Basdeo Prasad Yadav, Resident of Mohallah-Kali Mela Road, Ward No. 1, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
11. Kanchan Devi, Wife of Dhiraj Paswan, Resident of Mohallah-Hospital Road, Ward No. 7, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
12. Pritam Kumar, son of Chandradip Gupta, Resident of Mohallah-Jumman Chauk, Ward No. 1, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
13. Sushil Kumar, son of Kamal Sah, Resident of Mohallah-Back of Power House, Ward NO. 9, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
14. Krishnadeo Bhagat, Son of Ram Lal Bhagat, Resident of Mohallah-Forbesganj, Ward No. 13, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
15. Chanda Kumari, Wife of Anup Kumar Jaiswa, Resident of Mohallah-Nagar



Parishad, Forbesganj, District-Araria, Pin Code-854318 (Bihar).

16. Raja Ali, Son of Asgar, Resident of Mohallah-Darbhanga Tola, Ward No. 12, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
17. Nazda Khatun, Wife of Md. Ilyas, Resident of Mohallah-Forbesganj, Ward No. 12, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
18. Md. Islam, son of Md. Karin, Resident of Mohallah-Gudri Mohallah, Ward No. 14, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
19. Chunni Khatun, Wife of Md. Qudus, Resident of Mohallah-Nagar Parishad Forbesganj, Ward No. 15, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
20. Ranju Devi, Wife of Late Bijay Bahadur Singh, Resident of Mohallah-R.N. Dutta Road, Ward No. 16, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
21. Amit Kumar, Son of Ashok Kumar, Resident of Mohallah-D.D. Road, Ward No. 17, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
22. Md. Jalal, Son of Yusuf, Resident of Mohallah-Forbesganj Dallu Tola, Ward No. 18, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
23. Gunjan Singh, Wife of Bijay Kumar Singh, Resident of Mohallah-Janak Lal Path, Ward No. 19, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
24. Chandni Singh, Wife of Anjani Singh, Resident of Mohallah-Training School Chauk, Ward No. 22, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
25. Md. Izhar Alam, Son of Tasowar Ali, Resident of Mohallah-Alam Tola, Ward No. 21, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
26. Md. Irfan Ansari, Son of Md. Anwar Ali, Resident of Mohallah-Alam Tola, Ward No. 12, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
27. Shivali Ranjan, Son of Ranjan Kumar Sah, Resident of Mohallah-Bangali Tola, Ward No. 24, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).
28. Pinki Rai, Wife of Ranjeet Rai, Resident of Mohallah-Professor Colony, Ward No. 25, P.O. and P.S.-Forbesganj, District-Araria, Pin Code-854318 (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raju Giri
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 16-09-2020 Heard learned counsel for the petitioner and Mr.



Kumar Shankar, assisting counsel to Advocate General-7 and Mr. R. Samrendra for Nagar Parishad, Forbesganj and Mr. Amit Srivastava Amit Srivastava assisted by Mr. Girish Pandey for Election Commission.

2. Petitioner has filed the present writ application, challenging the decision of convening special meeting for No Confidence Motion against the petitioners and subsequent action of the Election Commission for holding fresh election for the post of Dy. Chief Councilor, Nagar Parishad, Forbesganj.

3. During the pendency of the writ application, the election was held and one Krishna Dev Bhagat has been elected Dy. Chief Councilor, Nagar Parishad, Forbesganj in place of the petitioner.

4. Mr. Giri in the facts of the case submits that he may be permitted to approach the Election Tribunal for appropriate adjudication of No Confidence Motion and subsequent action of holding election of Dy. Chief Councilor, Forbesganj on 20.08.2020.

5. As prayed for by Mr Raju Giri, the writ application is disposed of with liberty to the petitioners to approach the Election Tribunal, challenging the entire action of convening special meeting, passing resolution against the petitioners as



well as electing fresh Dy. Chief Councilor in accordance with law.

6. The Court hope and trust that the Tribunal will do well in deciding election dispute raised by the petitioner at the earliest, preferably within a period of four months from the date of receipt/production of a copy of this order after opportunity of hearing to all the stake holders.

(Anil Kumar Upadhyay, J)

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