

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9555 of 2021

Vijay Kapri S/o Late Santlal Kapri Ex-Pramukh, Sangrampur Block, Munger,
Resident of Village- Durmatta, P.O.- Durmatta, P.S.- Harpur, District-
Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Munger.
2. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel, Patna through the Election Commissioner.
3. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
4. The District Magistrate-cum-District Election Officer (Panchayat), District Munger.
5. The Deputy Development Commissioner, Munger Division, Munger.
6. The Block Development Officer-cum-Returning Officer (Panchayat Election, 2021), Sangrampur Block, District- Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Shekhar Anand, Advocate
For the Respondent/s	:	Mr. Kumar Alok, SC-7
For the State Election Commission:		Mr. Amit Shrivastava, Sr. Advocate
		Mr. Girish Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2021 Heard Mr. Chandra Shekhar Anand, learned counsel

for the petitioner, Mr. Kumar Alok, learned SC-7 for the State

and Mr. Amit Shrivastava, learned senior counsel appearing for

the State Election Commission assisted by Mr. Girish Pandey.

2. The petitioner is aggrieved by the decision of the

Block Development Officer-cum-Returning Officer,

Sangrampur Block, Distt. Munger (Respondent No. 6), by

which the name of voters of Gram Panchayat Barhonia has been



added in the Voter list of Ward No. 7 of Durmatta Gram Panchayat after deleting the name of the voters in the voter list of Barhonia Gram Panchayat.

3. Learned counsel for the petitioner submits that action of Respondent No. 6 is without jurisdiction and the amendment of the name in the voter list can only be done by the District Magistrate.

4. On the other hand, learned counsel for the State submits that schedule programme for preparation of the electoral rolls before the Gram Panchayat Election 2021, was published by the State Election Commission on 11.12.2020 which has been annexed as Annexure R/A to the counter affidavit and from perusal thereof, it would be evident that the draft electoral roll was published between 19.01.2020 to 01.02.2021 and the objection of the voters were invited between 20.01.2021 to 08.02.2021. Learned counsel further submits that the petitioner's name has correctly been recorded in the voter list and he has not submitted any objection in this regard whatsoever, but the petitioner is raising the issue of 44 voters in the writ application who individually filed their respective objections and the same have been considered and disposed of by the authorised officer.



5. Learned counsel next submits that the petitioner has no *locus standi* to maintain the present writ application on behalf of other 44 aggrieved persons.

6. Learned senior counsel for the Election Commission referring to second proviso to Section 126 of Bihar Panchayat Raj Act, 2006 submits that the Election has now been notified on 24.08.2021 and as per second proviso to Section 126 after the announcement of election, no change in the electoral roll shall be made after the notification of the date of Panchayat election by the Governor under Section 124 of the Act. He next submits that notification for holding Panchayat election has already been issued on 24.08.2021.

7. Accordingly, learned senior counsel for the State Election Commission submits that no relief can be granted to the petitioner at this stage in view of second proviso of Section 126 of the Gram Panchayat Raj Act, 2006.

8. After having heard learned counsel for the parties and after perusal of Sections 124 and 126 of the Bihar Panchayat Raj Act, 2006 and the relevant facts, this Court is satisfied that in view of second proviso to Section 126 of the Act, no change in the electoral roll can be allowed after notification of the Panchayat Election and undisputably the



Panchayat election has been notified on 24.8.2021.

9. This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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