

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9972 of 2021

=====

Kameshwar Prasad Yadav Son of Adhik Lal Yadav Resident of village
Narahia, Panchayat- Narahia South, P.s.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The State Election Commission, through its Secretary, Veerchand Patel path, 3rd Floor, Sone Bhawan, Patna
3. The State Election Commissioner, State Election Commission, Sone Bhawan, 3rd Floor, Veerchand Patel Path, Patna
4. The Secretary, the State Election Commission, Sone Bhawan, 3rd Floor, Veerchand Patel Path, Patna
5. The Deputy Secretary, State Election Commission, Sone Bhawan, 3rd Floor, Veerchand Patel Path, Patna
6. The District Magistrate -cum-District Election Officer, (Panchayat), Madhubani
7. The District Panchayat Raj Officer, Madhubani
8. The Sub Divisional officer, Phulparas, District- Madhubani
9. The Block Development Officer, Laukahi, District- Madhubani

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Fakhruddin Ali Ahmad, Advocate
For the Respondent/s	:	Mr. Pratik Kumar Sinha, AC to GA-5
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. Fakhruddin Ali, learned counsel for the petitioner, Mr. Pratik Kumar Sinha, learned AC to GA-5 for the State and Mr. Amit Shrivastava, learned senior counsel for the State Election Commission via virtual mode.

2. Petitioner has preferred the present writ application for correction in draft publication of the voter list by which the name



of the petitioner and his family along with 70 voters of Gram Panchayat of Narahia South have wrongly been included in the voter list of Ward No.2.

3. Learned counsel for the petitioner submits that objection in this regard has already been submitted by the petitioner but no decision has been taken upon this.

4. On the other hand, learned counsel for the State, referring to Section 126 of Bihar Panchayat Raj Act, 2006 submits that since Panchayat Election has already been notified no change in electoral roll is permissible under 2nd proviso of Section 126 of the said Act.

5. Accordingly, submission of the State is that in view of the fact that Panchayat Election has been notified on 24.8.2021, the present writ petition has become infructuous.

6. Having heard learned counsel for the parties and upon perusal of the Sections 124 & 126 of the Bihar Panchayat Raj Act, 2006, this Court is satisfied that in view of statutory provision, no positive order/direction can be issued directing change in the electoral roll after the date of notification of the Panchayat Election.

7. Accordingly, the present writ application stands dismissed.

(Anil Kumar Sinha, J)

S.Ali/-

U			
---	--	--	--

