

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13252 of 2021

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Shamim Ahamad Son of Mohammad Nazimuddin resident of Village- Baksa,
Panchayat Raj, Uttari Mansingha, Block- Sugauli, P.S.- Sugauli, District- East
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State Election Commission, through the Election Commissioner, Bihar, Patna.
3. The Secretary, Bihar State Election Commission, Patna.
4. The District Magistrate-cum- District Election Officer (Panchayat), East Champaran.
5. The Panchayati Raj Officer cum Assistant District Election Officer, East Champaran.
6. The Block Development Officer-cum- Block Panchayati Raj Officer, Sugauli, East Champaran.
7. Sahood Ali son of Sheikh Lal Babu R/o Village- Mansingha, P.S.- Sugauli, District- East Champaran the Block Level Officer, Sugauli, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh
For the State	:	Mr. Sanjeet Kumar Singh, AC to AAG 6
For the S.E.C.	:	Mr. Amit Srivatava, Sr. Adv. Mr. Sanjeev Nikesh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL JUDGMENT

Date : 01-11-2021

Heard learned Counsel for the parties concerned.

2. Learned Counsel for the petitioner submits that the name of several persons have been included in the voters' list of two Gram Panchayats, i.e. Uttari Mansingha and Dakshini Mansingha. He further submits that 60-70 persons were earlier the voters of Dakshini Mansingha, but with oblique motive, and in



order to support a particular candidate of Uttari Mansingha, the name of those 60-70 persons have been included in the voters' list of Uttari Mansingha also, which is against the spirit of panchayat election.

3. In pursuance of the order of this Court, dated 04.10.2021, a counter affidavit has been filed today in Court by learned Counsel for the State, stating therein that as per the Schedule, dated 11.12.2020 of panchayat election, the ward wise voters' list was to be prepared between 14.12.2020 and 28.12.2020, after which publication of draft voters' list was to be done on 19.01.2021 and objection against the draft voters' list were invited between 19.01.2021 to 01.02.2021 and as per the schedule notified by the State Election Commission, the voters' list was prepared and published on 19.02.2021. He further submits that no objection, in respect of the voters' list of Uttari Mansingha and Dakshini Mansingha Gram Panchayats, was received on or before the scheduled date.

4. Learned Counsel for the State Election Commission, referring to Section 126 of the Bihar Panchayat Raj Act, 2006 (in short, 'the 2006 Act'), submits that as per the second proviso to Section 126 of the 2006 Act, no change in the electoral roll shall be made after the notification of the date of the panchayat election



by the Governor under Section 124 of the 2006 Act and according to learned Counsel, the panchayat election was notified by the Governor on 24.08.2021. He further submits that as per Section 126 A (2) of the 2006 Act, no person shall vote at a general/by election in more than one constituency of the same class and if a person votes in more than one such constituency, his votes in all such constituencies shall be void. Accordingly, the submission is that at this stage, no change in the electoral roll may be entertained by the Court in view of the specific bar under Section 126 of the 2006 Act.

5. Learned Counsel for the petitioner, in reply, submits that the names of 60-70 persons, which the petitioner is referring in the present writ application, were not appearing in the draft voters' list of Uttari Mansingha Gram Panchayat prepared by the District Magistrate and, therefore, the petitioner could not file any objection in this regard.

6. The contention of the petitioner that the names of 60-70 persons, referred in Annexures 7 and 8 to the writ application, were added only in the final voters' list of Uttari Mansingha Gram Panchayat.

7. Having heard learned Counsel for the parties and taking into consideration their respective submissions and the



statutory provisions under Sections 126 and 126A(2) of the 2006 Act and in view of the fact that the panchayat election has already been notified on 24.08.2021 and further from perusal of Section 126A of the 2006 Act, it transpires that if a person votes in more than one constituency of the same class, his votes in all such constituencies shall be void, I am not inclined to issue any direction to the District Election Officer for Panchayat (District Magistrate), East Champaran, for change in the electoral roll, which has finally been published on 19.02.2021.

8. This writ application is, accordingly, dismissed.

9. There shall be no order as to costs.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03-11-2021
Transmission Date	N/A

