

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13665 of 2021

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Binay Pratap Singh Son of Late Maheshwari Prasad Singh Resident of
Village-Kulhariya, Police Station-Koilwar, District-Bhojpur (Ara.)

... .. Petitioner/s

Versus

1. The State of Bihar through Bihar State Election Commission, Sone Bhawan, IIIrd Floor, R Block, Patna.
2. The Bihar State Election Commission, Sone Bhawan, IIIrd Floor, R Block, Patna.
3. The District Magistrate-Cum-Election Officer, Bhojpur, Ara.
4. The Sub-Divisional Officer, Ara, Bhojpur.
5. The Block Development Officer-Cum-Election Returning Officer, Koilwar, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG-6
For the State Election Commission: Mr. Amit Shrivastava, Sr. Advocate

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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 a direction to the State Election Commission for deleting
the names of 521 fake voters/outsideers whose names have
wrongly been entered and published in the voter list of Kulharia
Gram Pancayat Nirwahan Area No. 9.

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)

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