

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.42 of 2021

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Umesh Chaudhary Son of Late Bramhdeo Chaudhary Resident of Village - Kadirganj, P.O. - Kadirganj, P.S. - Nawada, District- Nawada, 237 Nawada Assembly Constituency.

... .. Petitioner/s

Versus

1. The Election Commission of India, New Delhi, through The Chief Election Commissioner.
2. The State of Bihar through the Chief Secretary, Bihar, Patna.
3. The Chief Electoral Officer, Bihar, Election commission of India, Old Secretariat Patna- 1.
4. The District Election Officer cum District Magistrate, Nawada.
5. The Returning Officer-cum-Sub-Divisional Magistrate/Officer, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Farooque Afzal
For the State : Mr. Rajesh Kumar, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 15-12-2021

None appears for the petitioner.

2. In the instant petition, petitioner has prayed for following reliefs:

“1. That this is an application involving the writ jurisdiction of this Hon’ble Court for grant of the following relief:-

i. For issuance of an appropriate writ, order or direction for quashing the order/letter vide letter no. 34 dated 09.10.2020 of the respondent no. 4 the Returning Officer, Nawada rejecting the petitioner’s nomination for ongoing M.L.A. election from 237 Nawada Assembly Constituency, Bihar.

ii. For issuance of an appropriate writ, order or direction



commanding the respondents to permit the petitioner to contest ongoing M.L.A. Election, 2020 from 237 Nawada Assembly Constituency.

iii. For issuance of an appropriate writ, order or direction for grant of ad interim stay of the ongoing election process of 237 Nawada Assembly Constituency.

iv. For issuance of any other appropriate writ, order or direction for grant any other relief or reliefs for which the petitioner may be deemed entitled in the facts and circumstances of the case.”

3. On 10.12.2021, following order was passed:

“None appears on behalf of the parties.

The present petition does not survive for consideration in view of completion of process of election for Member of Legislative Assembly, in respect of 237 Nawada Assembly Constituency. The Petitioner has a remedy elsewhere or the present petition has become infructuous, as the process of election is already completed.

Re-list this matter on 15.12.2021.”

4. In the light of the prayer sought in the present petition, the present petition has become infructuous due to lapse of time. Accordingly, the instant petition stands dismissed.

(P. B. Bajanthri, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

