

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16644 of 2021

=====

Anu Kumari W/o Yashwant Kumar R/o Vill- Mangalapur, Panchayat,
Kalyanpur, Ward No.5, P.S.- Kalyanpur, Dist- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj.
2. The Chief Election Officer, Bihar at Patna.
3. The Secretary, State Election Commission Bihar at Patna.
4. The District Returning Officer-cum-District Magistrate, East Champaran at Motihari.
5. The Block Returning Officer-cum-Block Development Officer, Kalyanpur, Dist- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
Mr. Shashi Bhushan Pandey, Advocate
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG-6
For the State Election Commission: Mr. Girish Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-10-2021 Heard Mr. Surendra Kishore Thakur, learned counsel

for the petitioner, Mr. Sanjeet Kumar Singh, learned AC to

AAG-6 for the State and Mr. Girish Pandey, learned counsel

appearing for the State Election Commission.

2. Petitioner has preferred the present writ application
for adding her name in the electoral roll of the upcoming
Panchayat Election 2021 of the Gram Panchayat Raj Kalyanpur
Ward No. 5.

3. Learned counsel for the petitioner submits that a
petition in this regard has already been submitted by the



petitioner before the State Election Commission, but no decision has been taken upon this.

4. Learned counsel for the Respondents referring to second proviso to Section 126 of Bihar Panchayat Raj Act, 2006 submit 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. Learned counsel next submit that notification for holding Panchayat election has already been issued on 24.08.2021.

5. Accordingly, they submit 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.

6. After having heard learned counsel for the parties and upon 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.



7. Accordingly, the present writ application stands dismissed.

(Anil Kumar Sinha, J)

S.Ali/-

U			
---	--	--	--

