

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.468 of 2021**

**In**

**Civil Writ Jurisdiction Case No.1816 of 2021**

Kanchan Devi, wife of Mukesh Ram resident of Ward No. 3, Village- Patra Tola, Kharik Bazar Panchayat- Kharik Bazar, Block, P.S.- Kharik, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Panchayati Raj Department, Govt. of Bihar, Patna.
3. The Commissioner, Bhagalpur.
4. The District Magistrate, Bhagalpur.
5. The District Panchayat Raj Officer, Bhagalpur.
6. The Sub- Divisional Magistrate, Naugachia, District- Bhagalpur.
7. The Block Development Officer-cum- Returning Officer, Kharik, District- Bhagalpur.
8. The Mukhiya, Kharik Bazar, Panchayat and P.O.- Kharik Bazar, P.S.- Kharik, District- Bhagalpur.
9. The Panchayat Secretary, Kharik Bazar, P.O. and Panchayat- Kharik Bazar, P.S.- Kharik, Block- Kharik, District- Bhagalpur.
10. Kamni Devi wife of Arbind Poddar resident of Village- Yadav Tola, Kharik Ward No. 03 Patratola, Kharik Bazar, P.O.- Kharik Bazar, P.S. and Block- Kharik, District- Bhagalpur.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Amrendra Kumar

For the Respondent/s : Mr. Pushkar Narain Shahi (AAG6)

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**and**

**HONOURABLE MR. JUSTICE JITENDRA KUMAR**

**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

3      23-06-2022                      Heard Mr. Amarendra Kumar, learned counsel for  
  
the petitioner and Mr. Ravindra Kumar, learned counsel for  
  
the State.



The appellant has challenged the order dated 19.05.2021, passed by the learned Single Judge in C.W.J.C. No. 1816 of 2021, whereby the prayer made on behalf of the appellant for declaring the result of Respondent No. 10 as having been elected as a Ward Member, invalid and to declare the appellant to be the winner candidate, has been rejected on the ground of delay and laches in preferring the writ petition in the year 2021.

The prayer made on behalf of the appellant was also rejected on the ground that against the result declared in an election, only a election petition could have been filed.

The learned Single Judge has rightly observed the above-noted position of law as has been enunciated in *N. P. Ponnuswami Vs. Returning Officer Namakkal Constituency* (A.I.R. 1952 SC 64) and *Mohinder Singh Gill & Anr. Vs. The Chief Election Commissioner, New Delhi & Ors.* (1978 (1) SCC 405) and dismissed the prayer made on behalf of the appellant.

We do not find any fault with the order passed by the learned Single Judge.



There is no merit in the appeal. The appeal is  
dismissed.

**(Ashutosh Kumar, J)**

**( Jitendra Kumar, J)**

skm/-

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