

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14721 of 2022

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Akhilesh Kumar, aged about 45 years (Male) Son of Late Ram Pal Prasad
Resident of Mohalla- Behind Income Tax Commissioner Mitra Mandal
Colony, Saket Bihar, P.S.-Phulwari, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The State Election Commission, Bihar Patna.
3. The Secretary, Election Commission, Bihar, Patna.
4. The Deputy Secretary, Election Commission, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadesh Prasad Sinha with
Mr. Kumar Mrityunjay Narain, Advocates
For the State Election Commission : Mr. Sanjeev Nikesh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 08-12-2022

Heard Mr. Awadesh Prasad Sinha, learned counsel for
the petitioner and Mr. Sanjeev Nikesh, learned counsel for the
State Election Commission.

2. The petitioner has moved the Court for the following
relief:

*“That this is an application for
issuance of writ/writs, order/orders,
direction/directions to direct the respondents to
add the name of petitioner in the voter list
prepared for Phulwari Sharif Municipality-
2022”*



3. The simple point involved is whether the petitioner who claims to be a resident of Ward No. 11 of Phulwari Sharif Municipality is required to be shown in the voter list for election to be held for Phulwari Sharif Municipality or whether he is a resident under Kurthoul Gram Panchayat for which his name was there in the voter list of the Election Commission of India, though subsequently deleted.

4. Learned counsel for the State Election Commission submitted that the objection filed by the petitioner was thoroughly looked into and it has been found on verification that the petitioner does not reside in Ward No. 11 of Phulwari Sharif Municipality and is still a resident of Kurthoul Gram Panchayat and thus, the petition for inclusion of his name in the voter list for Phulwari Sharif Municipality has been turned down.

5. Learned counsel for the petitioner submitted that factually the same is not correct.

6. Learned counsel for the State submits that once on facts the petitioner has not been found to be a resident under Phulwari Sharif Municipal area, he cannot have a claim for inclusion of his name in the voter list there.

7. Be that as it may, since the basic foundational facts are in dispute, there is no occasion for the Court to interfere.



8. Accordingly, the writ petition stands disposed of.

9. However, it shall be open to the petitioner to move before the competent authority for inclusion of his name in the voter list for Phulwari Sharif Municipality based on whatever evidences/documents/materials he may have in his possession, including whatever has been brought on record in the present writ petition. If the same is done, the Court expects that the competent authority shall look into the matter and upon proper verification pass a reasoned order.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

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