

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20846 of 2021

1. Rajnish Kumar, Son of Ravindra Rai, Resident of Village- Lodipur, Police Station- Maner, District- Patna.
2. Om Prakash Singh, Son of Rajeshwar Singh, Resident of Village- Sherbhukka, Police Station- Maner, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Department of Panchayati Raj, Govt. of Bihar, Patna.
3. The District Election Officer (Gram Panchayat Election 2021) cum District Magistrate, Patna, District- Patna.
4. The Sub Divisional Magistrate, Danapur, Patna.
5. The Returning Officer Cum Block Development Officer, Maner, Patna.
6. The Bihar State Election Commission through its Secretary, Sone Bhawan, Birchand Patel Road, Patna.
7. The Commissioner, the Bihar State Election Commission, Sone Bhawan, Birchand Patel Road, Patna.
8. The Secretary, the Bihar State Election Commission, Sone Bhawan, Birchand Patel Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Respondent/s	:	Mr.Ajay, GA 5
		Mr. Girish Pandey, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 10-01-2022

Petitioners have prayed for the following relief(s):-



“That this writ petition is being filed in the garb of Public Interest Litigation for issuance of a direction to the respondent authorities to conduct a fresh election of Gram Panchayat 2021 in the polling station no. 159 and 159(K) of village-Lodipur, and Sherbhukka respectively in the Gram Panchayat Raj, Singhara situated in the Block Maner, District-Patna and further the petitioners pray for a direction to stay the counting and result which is going to be done on 14.12.2021 only with regard to the election in the said Gram Panchayat in question and/or for issuance of an appropriate writ, order or direction in the facts and circumstances stated hereunder.”

After the matter was heard for some time, learned counsel for the petitioners, under instructions, states that petitioners shall be content if a direction is issued to the authority concerned, i.e., respondent no. 6, The Bihar State Election Commission through its Secretary, Sone Bhawan, Birchand Patel Road, Patna or any of the statutory authority to consider and decide the representation which the petitioners shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.



Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioners shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioners to approach the Court, if the need so arises subsequently on the same and



subsequent cause of action;

(g) Liberty also reserved to the petitioners to make a mention for listing of the petition on priority basis. As and when any such mention is made, Registry shall take steps for listing the petition at the earliest.

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	17.01.2022
Transmission Date	

