

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.39 of 2022

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Ratnesh Kumar Son of Ram Nandan Singh, resident of Village- Kishunpur Mohani, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The State Election Commissioner, 3rd Floor, Sone Bhawan, Daroga Rai Path, R-Block, Patna- 800001.
3. The Director, Panchayati Raj, Government of Bihar, Patna.
4. The District Election Officer (Panchayat)-cum-District Magistrate, Muzaffarpur.
5. The S.D.O.-cum-Special Officer on duty Panchayat Election 2021.
6. The Block Development Officer-cum-Returning Officer, Kudhani, Muzaffarpur.
7. Sri Arun Singh @ Arun Kumar Singh Son of Laxmi Singh Mukhiya, Resident of Village- Kishunpur Mohani, P.S.- Kudhani, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Bipin Chandra, Advocate
For the Respondent-State:		Mr. P. N. Shahi, AAG-6
		Mr. Manish Kumar, AC to AAG-6
For the SEC	:	Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 22-06-2022

In the instant writ petition, the petitioner has challenged the election of Kudhani Gram Panchayat in which respondent no.7, Arun Singh @ Arun Kumar Singh has been elected as Mukhiya.



2. It is to be noted that sub-clause (b) of Article 243-O of the Constitution of India provides that notwithstanding anything in this Constitution, no election to any Panchayat shall be called in question except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State.

3. The Legislature of the State of Bihar has enacted Bihar Panchayat Raj Act, 2006 wherein Section 137 provides that the election to any office of a Panchayat or a Gram Katchahry shall not be called in question except by an election petition as prescribed.

4. We may also note at this stage that the Hon'ble Supreme Court in *Laxmibai vs the Collector Nanded & Ors.* since reported in (2020) 12 SCC 186 categorically held that extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India being discretionary in nature, may not be exercised when an efficacious alternative remedy is available and moreso restrain must be exercised in terms of mandate of Article 243-O of the Constitution of India.

5. In above view of the matter since an equally efficacious statutory remedy is available to the petitioner for redressal of his grievance, we are not inclined to entertain the



present application under extraordinary writ jurisdiction. It is
dismissed, accordingly.

(Ashwani Kumar Singh, J)

(Dr. Anshuman, J)

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AFR/NAFR	NA
CAV DATE	NA
Uploading Date	24.06.2022
Transmission Date	NA

