

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.403 of 2022

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Ripusudan Diwedi Son of Sharada Diwedi Resident of Village- Bariarava,
Murila, P.S.- Chautarwa, District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Bihar, Patna, Panchayati Raj Department.
2. The Principle Secretary, Panchayat Raj Department, Bihar, Patna.
3. The Election Commissioner, the State Election Commission, Bihar, Patna.
4. The District Magistrate-cum-District Election Officer, Bettiah, District West Champaran.
5. The District Panchayat Raj Officer, West Champaran, Bettiah.
6. The Sub-Divisional Officer cum Sub Divisional Panchayat Officer, Bagaha, West Champaran.
7. The Block Development Officer cum Block Election Officer, Bagaha-1, Block District- West Champaran.
8. Dhurendra Yadav.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Rajnish Ranjan, Adv. Mr. Satish Kumar Sinha, Adv.
For the Respondent/s	:	Mr. Ajay (GA-5) Mr. Girish Pandey, Adv.

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

Date : 05-08-2022

In the present application, the petitioner has made
the following prayers:-



- “i. To cancel the nomination filed by Dhurendra Yadav, Respondent No. 8 on the ground that he stated a wrong fact in his affidavit cancelling the fact that Chautarwa P.S. Case No. 285/18 and 23/19 in which cognizance has been taken are pending.
- ii. To cancel the nomination of Dhurendra Yadav respondent no. 8.
- iii. To restrain Dhurendra Yadav from holding the post of the member of Panchayat Samity area 26.
- iv. To cancel whole election process with respect to the post of member of Panchayat Samiti area no. 26 of Salha Bariarwa Panchayat Samiti falling within Bagaha-1 Block District West Champaran held on 20.10.2021.
- v. To dispose of the application contain in annexure 1, 2 to the petition.
- vi. To any other relief/reliefs for which petitioner is entitled to.”

2. The petitioner claims himself to be a voter of ward no. 26 of Panchayat Samiti Salaha Bariyarwa falling within Bagaha-1 Block, West Champaran district. His contention is that respondent no. 8 Dhurendra Yadav submitted his nomination paper to contest the election for the post of Member of Panchayat Samiti Area No. 26 of Salaha Bariyarwa Panchayat



Samiti falling within Bagaha-1 Block of West Champaran district along with the affidavit required under Section 125-A(1) of the Bihar Panchayati Raj Act, 2006 (for short the 'Act of 2006'). He suppressed the fact that two criminal cases in which charge-sheet has been submitted and cognizance has been taken by the court are pending against him in his affidavit filed under Section 125-A(1) of the Act of 2006.

3. In the Panchayat Samiti in question, elections were held on 20.10.2021 and the results were declared on 22.10.2021. After the declaration of the result, the petitioner has filed the instant application under Article 226 of the Constitution of India before this Court on 07.01.2022.

4. Section 137 of the Act of 2006 stipulates in unequivocal terms that election to any office of a Panchayat or a Gram Katchahry shall not be called in question except by an election petition as prescribed.

5. In case, the petitioner had any grievance relating to election to any office of a Panchayat Samiti, he ought to have resorted to the remedy provided under Section 137 of the Act of 2006.

6. In view of the provisions prescribed under Section 137 of the Act of 2006, we are of the considered opinion that the



writ petition filed by the petitioner would not be maintainable.

7. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

(Shailendra Singh, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08-08-2022
Transmission Date	NA

