

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4354 of 2023

Rajendra Prasad, aged about 46 years, Male Son of Rambali Bin @ Rambali Mukhiya, Resident of Chiran Tola, Narayanapur, Ward No. 4, P.S.- Bagaha-02, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Commissioner, State Election Commission, Patna.
3. The Principal Secretary, Urban Development Department, Bihar, Patna.
4. District Magistrate cum- District Returning Officer, (Municipal Election), Bettiah, West Champaran.
5. Sub-Divisional Officer cum Returning Officer, (Municipal Election), Bagaha, West Champaran.
6. Block Development Officer cum Assistant Returning Officer, (Municipal Election), Bagaha, West Champaran.
7. Smt. Pushpa Gupta, aged about 50 years, Wife of Sri Pappu Gupta, Chairman Bagaha Municipality, Bagaha, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Chandra Verma, Advocate Mr. Natraj Verma, Advocate
For the State	:	Mr. Abbas Haider, SC 6 Mr. Wasi Mohammad, AC to SC 6

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 31-10-2023

Heard Mr. Natraj Verma, learned counsel appearing on behalf of the petitioner and Mr. Wasi Mohammad, learned counsel representing for the State.

2. The petitioner claimed to be voter of Bagaha Municipality, being resident of Ward No. 4, seeking cancellation of the election of respondent no. 7 as Chairman of the Bagaha Municipality in the West Champaran district.



3. The points raised for declaring the election to be null and void is mainly based upon the violation of the model code of conduct in conducting the election of Chairman of Bagaha Municipality which in the humble submission of the petitioner vitiates the entire election process. He further submits that despite the representation/complaint having been filed before the State Election Commission way back on 03.01.2023, the copy of which has also been served to all other concerned, till date the same has not been taken to its logical conclusion. Thus, compelled the petitioner to move before this Court.

4. A counter affidavit has been filed on behalf of the respondents-State authorities (respondent nos. 4 to 6). Apart from the submissions, that there is no violation of any Model Code of Conduct and the election was being conducted in free and fair manner as per the guidelines issued by the State Election Commission, it is also submitted that there were ten candidates of the State Election for the post of Chairman of Bagaha Municipality but no other candidates have been made party in this writ petition even the nearest loser namely, Jarina Khatoon, thus the writ petition is bad for non joinder of necessary parties.

5. Be that as it may, considering the fact that for redressal of the grievance of the petitioner, a



representation/complaint has already been filed before the State Election Commissioner, the copy of which is marked as Annexure-2.

6. The present writ petition stands disposed of with a direction to the respondent no. 2 to consider the representation/complaint of the petitioner dated 03.01.2023 as contained in Annexure-2 to the writ petition, expeditiously in accordance with law.

(Harish Kumar, J)

Anand Kr.

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

