

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6965 of 2023

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Rajeev Kumar Roy, Son of Sri Debu Roy, resident of village - Kotawali Chouk, Laxmi Sagar, Ward No. 45, P.S. - Town, District - Madhubani, State - Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-District Election Officer, (Nagarpalika) Madhubani.
4. The Senior Deputy Collector-cum-District Deputy Election Officer (Nagarpalika) Madhubani.
5. The Additional Election Officer Sadar Madhubani, District - Madhubani.
6. The Sub-Divisional Officer, Sadar Madhubani, District - Madhubani.
7. The Block Panchayatiraj Officer Sadar Madhubani, District - Madhubani.
8. The Chief Election Officer, State Election Commission Bihar, Patna.
9. The Secretary State Election Commission, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Maya Shankar Mishra, Advocate
For the State	:	Mr. P.K. Shahi, AG
For State Election Commission	:	Mr. Sanjeev Nikesh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 09-05-2023

1. The writ application has been filed as a Public Interest Litigation (PIL) seeking a direction to the respondents for declaring Ward No. 45 of the Madhubani Municipal Corporation as an unreserved category ward for the purpose of election of Councillor from the said ward.



2. Learned counsel for the State as well as learned counsel for the State Election Commission submit that election to the Municipal Corporation has been announced by the Urban Development and Housing Department, Government of Bihar, under notification dated 04.05.2023 bearing memo no. 1241, copy of which has been passed on to the Court. As such, polling is scheduled to take place on 09.06.2023. The electoral process having commenced, this Court should not exercise extraordinary discretionary jurisdiction in favour of the petitioner.

3. The Bihar Municipal Act, 2007 (hereinafter referred to as “Act”) provides for constitution of municipality as well as its composition. The two provisions in this regard are Section 12 and 13 of the Act. The manner for making provision for reservation is also contained in the said two provisions. Part III of the Bihar Municipal Election Rules, 2007 (hereinafter referred to as “Rules”) also contains provisions in this regard.

4. The petitioner, as per averments made in the writ petition has approached the State Election Commission with his grievance and was also afforded opportunity of hearing. The grievance of the petitioner, apparent from the representations (Annexures-6 to 9) of the writ petition, is based on a self-serving assessment of the population and composition of voters



in Ward No. 45.

5. Claiming a particular number of total voters in the ward and thereafter surmising upon exclusion of a particular number of voters, based on the last delimitation of the ward arising out of upgradation of the municipal area, the petitioner has claimed that the ward should be declared as a ward in the unreserved category.

6. The issues sought to be raised are based on disputed questions of fact, which also are founded on the petitioner’s self-serving assessment which is not supported by any authentic or reliable material.

7. In view thereof and considering the fact that the electoral process has commenced, this Court is not inclined to entertain the plea raised by the petitioner by way of a public interest litigation.

8. Writ application is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
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