

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11568 of 2019

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Raisa Wife of Barkatullah Resident of ward no.- 24, Goapokhar, Bhavara,
P.S.- Madhubani Town, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Represented through, Principal Secretary, Department of Panchayati Raj, Bihar, Patna.
2. District Magistrate Madhubani, Cum, District Election Officer (Nagar Parishad), Madhubani.
3. The Additional Collector Madhubani, Cum Enquiry Officer.
4. The Returning Officer Madhubani, P.S. and District- Madhubani.
5. The State Election Commission Represented through the Secretary, State Election Commissioner, Beer Chand Patel Path, Bihar, Patna.
6. The Secretary State Election Commission, Beer Chand Patel Path, Bihar, Patna.
7. Waris Ansari Son of Rafiq Ansari Resident of ward no.- 24, Bhauara, P.S.- Madhubani Town, District- Madhubani.
8. Muzibullah Son of Late Musa Resident of ward no.- 24, Bhauara, P.S.- Madhubani Town, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None.
For the Respondent/s	:	Mr.Ajay, GA 5 Mr. Ratnakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-06-2023 On call, no one appears on behalf of the petitioner
although the learned Counsel for the respondents are present.

The petitioner seeks indulgence of this Hon'ble Court
on the ground inter alia:

(i) to hold and declare the election of respondent no.



7, as Ward Councillor as null and void in view of the fact that respondent no.-7, had suppressed the fact about his criminal antecedent in his nomination paper as well as his supporter respondent no.-8, did not possess the qualification to become supporter of any the candidate in view of the guideline of Bihar Municipal Manual 2007, in view of judgment rendered in Krishnamoorthy Vs. Sivakumar Reported in A.I.R. 2015 (SC)1921;

(ii) to issue an appropriate writ in Certiorari to set aside the election of respondent no. 7, as Ward Councillor which was held in the year 2017;

(iii) to issue a writ in the nature of Certiorari to quash the order dated 29.03.2019 passed by State Election in Case No. 55 of 2019, by which the State Commission instead of setting aside the election of respondent no. -7, remanded back the matter before the respondent no. -2, to take appropriate legal action against the respondent no. -7, under section 447 of Bihar Municipal Act 2007 (as amended).

It has been submitted by all the respondents that the matter relates to 2017 election and with the passage of time, the same has become infructuous in view of the fact that the fresh election has taken place.



The petition accordingly stands dismissed as
infructuous.

(Rajiv Roy, J)

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