

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20 of 2023

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Raj Kumar Nishad Son of Shivnandan Chaudhary, Resident of Mohalla-
Belbanwa, P.S. Motihari Town, District- East Champaran, Member of
Motihari Block Fisherman Cooperative Society.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department,
Government of Bihar, Patna.
2. The Secretary, State Election Authority, Bihar, Patna.
3. The District Magistrate-cum-District Election Officer, East Champaran at
Motihari.
4. The District Cooperative Officer, East Champaran at Motihari.
5. The Block Cooperative Extension Officer, Motihari, East Champaran at
Motihari.
6. Vinay Kumar Chaudhary son of Late Rajendra Chaudhary, Resident of
Mohalla- Chota Bariyarpur, P.S.- Chatapur, District- East Champaran at
present Mantri Secretary of Motihari Block Fisherman Cooperative Society.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh, Advocate
For the Respondent/s : Mr. Amit Prakash (Ga13)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioner, learned
counsel for the State, learned counsel for the private respondent
no. 6 along with the learned counsel for the State Election
Authority Mr. Mukesh Kumar Thakur.

After hearing the learned counsel for the parties, the
Court comes to a considered conclusion that petitioner is not an
aggrieved person since his name is included in the Voter List,
the petitioner is espousing the cause of such persons whose
names were not included in the Voter List of the Society. It



absolutely does not stand to reason that those who were not included in the Voter List have not approached the Court which amply demonstrates that they are not aggrieved by the preparation of the Voter List in which their names were not included, since the persons whose names have not been included in the Voter List have not approached the Court, as such, the petitioner cannot espouse their cause seeking a Writ of Mandamus and Certiorari, further the election had already been notified and the Hon'ble Supreme Court in the case of *Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Anr. vs. The State of Maharashtra and Ors. Reported in AIR 2001, SC- 3982* has specifically held that writ petition to quash election schedule on grounds of illegality in preparation of electoral roll is not maintainable, such challenge can be raised in election petition.

In the nature of relief claimed for, the Court is not inclined to proceed with the writ application.

The writ application is dismissed.

(Satyavrat Verma, J)

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