

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17748 of 2022

=====

Md. Mumtaz Khan Son of Late Mustaque Khan, Resident of Village-Khap,
P.O.-Cherki, P.S.-Cherki, Bodh Gaya, District-Gaya, PIN-824237.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Panchayat Raj, Government of Bihar, Patna.
2. The Chief Election Officer, Election Commission, Bihar, Patna.
3. The State Election Commissioner, State Election Commission, Bihar, Patna.
4. The Deputy Secretary, Panchayat Raj, Government of Bihar, Patna.
5. The Commissioner, Magadh Pramandal, Gaya.
6. The District Magistrate-cum-District Election Officer (Panchayat Raj), Gaya.
7. The Block Development Officer-cum-The Returning Officer, Bodh Gaya, District-Gaya.
8. Mahendra Yadav, son of Late Dhanpat Yadav, Resident of Village-Beladih, P.O.-Cherki, P.S.-Cherki, Bodh Gaya, District-Gaya, PIN-824237.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Ms. Shweta Anand, Advocate
For the Respondent/s : Ms. Archana Meenakshee (GP-6)

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-08-2023 Heard the parties.

That this writ application is being preferred on behalf
of the petitioner above named invoking the extraordinary writ
jurisdiction of this Hon'ble Court for following reliefs:-

*(i) for issuance of an appropriate
writ in the nature of Certiorari for
cancellation of result declaring the election
2021 which was held on 15.11 2021 to be
void of Mukhiya of Itara gram panchayat
under Prakhand Bodh Gaya, District:-Gaya*



on the ground that the respondent no.8 have suppressed the fact in his nomination paper (Annexure-1) fraudulently with false affidavit whereas on the said complaint, (Annexure- 3-series) the respondent authority did not take step for cancellation of same in accordance with law and statutory provisions;

(ii) for issuance of the appropriate writ in the nature of Mandamus, for directing the respondent authority for holding the fresh voting/election of Mukhiya in Itara, Gram Panchayat;

(iii) for directing the respondent authority to seize the power and function of the fraudulently elected Mukhiya (Respondent no.8);

(iv) for taking immediate action against the concerned authorities who did not act properly despite timely complaint while he had to lodge the criminal case against the respondent no.8 who played fraud by way of submitting his nomination paper in the said election in question;

(v) for directing the respondent authority to restrain the respondent no.8 from exercising the power of Mukhiya of the Itara Gram Panchayat.

A counter-affidavit has been filed on behalf of the



respondent nos. 5 to 7 in which the letter no. 410 dated 16.07.2022 issued by the Electoral Officer-cum-Block Development Officer, Bodh Gaya to the Zila Panchayat Raj Officer, Gaya, it has been informed that contrary to the allegation made by the petitioner, the respondent no. 8 had mentioned about the Case No. 85/2011 alongwith an affidavit. Only thereafter, the Superintendent of Police, Gaya had issued character certificate and in that backdrop, it has been concluded that the allegation made by the petitioner is baseless.

This Court is convinced that no relief, as sought for by the petitioner can be extended.

Accordingly, the writ petition stands dismissed.

(Rajiv Roy, J)

kiran/-

U			
---	--	--	--

