

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3124 of 2020

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Nagendra Prasad Yadav Son of Late Jagdish Yadav, Resident of Village-
Lohara, Panchayat-Rathosh, P.S.-Bisfi, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Madhubani.
3. The District Co-operative Officer, Madhubani.
4. The Block Development Officer -Cum Election Officer PACS, Bisfi,
Madhubani.
5. The Block Co-operative Officer, Bisfi, Madhubani.
6. Ramesh Son of not Known, Manager Rathosh Panchayat PACS, Bisfi
Madhubani
7. The Chairman PACS, Rathos Panchayat Bisfi, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar, Advocate
For the Respondent/s : Mr.Mahendra Prasad Verma Ac to Sc 20

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 01-08-2023 Heard Mr. Saroj Kumar, learned counsel for the

petitioner and learned AC to SC 20.

This writ application has been filed for issuance of writ(s), order(s), direction(s) in the nature of mandamus or any appropriate writ(s), order(s) and directions to the respondent concerned to stay the schedule of election of PACS Rathos under Bisfi Block of Madhubani District in view of the fact that by way of illegal act, living member has been declared dead in voter list and even after objection, nothing has been done as per objection of the petitioner and schedule for election has been



declared and election is going to be held on 11.12.2019.

On 28.02.2020, a detailed order was passed by a co-ordinate bench with a direction to the District Magistrate Madhubani, to conduct an enquiry, fix responsibility and file the report same by way of affidavit by 09.04.2020.

Three years later, the counter came to be filed on 07.03.2023 in which the respondent no. 2, the District Magistrate, Madhubani has narrated that an enquiry was conducted and accordingly directions have been issued for taking legal action against Block Co-Operative Officer, Bisfi, District Co-operative Officer, Madhubani as also against Manager and President of Rathos Panchayat, PACS under Bisfi Block.

Although, the counter affidavit talks about the copy of the enquiry report, no such report is part of the said reply.

Further, in March 2023, the counter affidavit has been filed without even detailing out on the point that after the directions given by him on 09.09.2020, what happened in next three years.

In a very casual manner, the reply has been filed and upon enquiry, it was the submission of the learned counsel for the petitioner that if required, another affidavit can be filed. The



said stand can only be deprecated.

The writ petition stands disposed of with a direction to the petitioner to file a detailed representation before the District Magistrate, Madhubani, within a four weeks from today.

The District Magistrate, Madhubani shall be duty bound to dispose of the said representation within a period of three months with reasoned order annexing all the documents on the development that has taken place after his initial enquiry held in September 2020.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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