

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12527 of 2017

Md. Gaffar Son of Late Md. Siddiqui, Resident of Village- Gajawi Ganjbhag
Ward No. 10, P.S. Simroha, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Araria.
3. The Sub Divisional Officer, Farbishganj, Araria.
4. The Circle Officer, Farbishganj, Araria.
5. Md. Mukhtar, S/o Late Md Siddiqui.
6. Bibi Afsana, W/o Md. Mukhtar.
7. Md. Affaane, S/o Md. Mukhta. All Resident of Village- Ganjbhag Ward No. 10, P.S.- Simraha, District- Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL JUDGMENT

Date : 30-07-2024

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the writ petition for a direction upon the Circle Officer, Forbishganj, Araria (respondent No.4) for taking action on application dated 13-07-2017, which was filed by the petitioner as objection in nomination Record No. 1448/16-17 within time but no order was passed regarding his objection as yet and further for the stay of nomination during pendency of the writ petition.

3. Learned counsel for the petitioner submits that father of



the petitioner died on 22-05-2013. Thereafter, one Afaque Alam (nephew of the petitioner) filed application for Nomination Record No. 541/5257/2013-14, in which objection/claim notice was issued on 17-06-2013 by the Circle Officer, Forbishganj, Araria (respondent No.4). Thereafter, respondent No.5 also filed an application for nomination resulting in initiation of proceeding as Nomination Record Case No. 1448/2016-17 in which objection was invited on 28-02-2017. In the said nomination case, the petitioner filed objection on 13-03-2017 whereafter Respondent No.4 passed order dated 15-03-2017 in Nomination Record Case No. 1448/2016-17, stating therein in the order that no person has filed any objection and directed for acceptance of nomination of respondent No.5, in the interest of revenue. Learned counsel for the petitioner specifically states that his objection filed on 13-03-2017 has not been considered by the Circle Officer, Forbishganj, Araria (respondent No.4) while passing the order dated 15-03-2017.

4.Learned counsel for the petitioner, in view of the above, prays for a direction upon the Respondent No. 4 to pass a fresh order taking into account his objection dated 13.03.2017 after setting aside order dated 15-03-2017 passed in Nomination Record Case No. 1448/2016-17.



5. A counter affidavit has been filed on behalf of the respondent Nos. 3 & 4. Owing to the submission made by the counsel for the petitioner for passing a fresh order by Respondent No. 4 after considering his objection dated 13.03.2017, learned counsel for the State does not object to the same.

6. Considering the facts and circumstances mentioned above and in the interest of justice, the order dated 15-03-2017, passed by the Circle Officer, Forbishganj, Araria (respondent No.4) is hereby set aside and the Circle Officer, Forbishganj, Araria (respondent No.4) is directed to pass fresh order after considering the objection dated 13-03-2017 filed by the petitioner, in Nomination Record Case No. 1448/2016-17, in accordance with law after giving opportunity of hearing to the parties concerned within a period of three months from the date of receipt/production of a copy of this order.

7. Accordingly, the writ application stands disposed of.

(Rudra Prakash Mishra, J)

Raj Kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07-08-2024
Transmission Date	N/A

