

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.193 of 2022

In
Civil Writ Jurisdiction Case No.15399 of 2021

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Umashankar @ Umashankar Shahni S/o- Mahngu Shahni R/o- Vill- Chhajan Vishunpur, P.S. Kurhani, Dist.- Muzaffarpur, Pin- 844127 Cum National Coordinator, Jankranti Morcha, Office at Dr. D.C. Shahni Marg, Maripur, Muzaffarpur, P.S. and Dist.- Muzaffarpur, Pin- 842001.

... .. Petitioner/s

Versus

1. Shushil Chandra, The Chief Election Commissioner of India, Nirwahan Bhawan New Delhi.
2. Arvind Kumar Chaudhary, The Principle Secretary Panchayati Raj Department, Govt. of Bihar, Patna.
3. Deepak Prasad, The Chief Electoral Commissioner, The Bihar State Election Commission, Sone Bhawan, Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar No. 1
For the Opposite Party/s : Mr.S. Raza Ahmad (Aag 5)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 15-03-2024

On 21.02.2024 , the following order was passed:

The present M.J.C. No. 193 of 2022 is filed for non compliance of orders of this Court dated 13.09.2021 passed in C.W.J.C. No. 15399 of 2021. Show cause has been filed on behalf of the opposite party no. 3. Perusal of the order dated 26.07.2022 stated to be a compliance order.

2. We are not satisfied in respect of sub-clause(c) of the order dated 13.09.2021 which has been extracted in the order dated 26.07.2022 by the State Election Commission, Bihar, in the first page to the extent that petitioner has not been provided opportunity of hearing. As is evident from the order, there is no iota of the material to the extent that on a particular date petitioner was summoned and he was heard in the matter. Therefore, petitioner is hereby directed to appear before the State Election



Commission, Bihar on 02.03.2024 at 3:00 P.M.

3. The petitioner is at liberty to file written submission or oral submission before the concerned authority, thereafter, the concerned authority is hereby directed to pass detailed speaking order after due consideration of each of the contention taken or to be taken and communicate the same to the petitioner.

4. List this matter on 13.03.2024. If the aforementioned order is not complied, in that event, Officer on Special Duty, State Election Commission, Bihar shall be present and face contempt of court action under Rule 7(i) read with Form 1 of Chapter XXVIII of Rules of the High Court at Patna framed under the Contempt of Courts Act, 1971 (Act 70 of 1971).

2. Today, learned counsel for the respondent furnished copy of the speaking order dated 04.03.2024 and it is after due hearing of the petitioner, while taking note of these development and the fact that there is belated compliance of the order of this Court dated 13.09.2021 passed in CWJC No. 15399 of 2021 in the year 2024.

3. Accordingly, the present MJC stands dropped, reserving liberty to the petitioner to assail the order dated 04.03.2024 in accordance with law.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.03.2024
Transmission Date	NA

