

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4484 of 2024

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Sajee Ahmad Son of Safi Ahmad Resident of Village and P.O. Mehsaul,
Police Station Runnisaidpur, District Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The State Election Commissioner (Panchayat), Sone Bhawan, Bir Chand Patel Path, Patna through the State Election Commissioner.
3. The State Election Commission, the State Election Commission (Panchayat), Sone Bhawan, Bir Chand Patel Path, Patna.
4. The Secretary, the State Election Commission (Panchayat), Sone Bhawan, Bir Chand Patel Path, Patna.
5. The District Election Officer (Panchayat), Sitamarhi, District- Sitamarhi.
6. The Returning Officer, Panchayat Election, 2021, Runnisaidpur Block, District-Sitamarhi.
7. Dev Narayan Sahu @ Dev Narayan Sah, son of late Ram Vriksh Shah, Resident of Village-Mehsaul, Ward No.7, P.O.- Mehsaul, Police Station-Runnisaidpur, District-Sitamarhi.

... .. Respondent/s

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with
CIVIL REVIEW No. 89 of 2024
In
Civil Writ Jurisdiction Case No.14148 of 2022

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Sajee Ahmad Son of Safi Ahmad Resident of Village and P.O. Mehsaul,
Police Station-Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The State Election Commission (Panchayati), Sone Bhawan Bir Chand Patel Path, Patna through the State Election Commissioner.
3. The State Election Commission, the State Election Commission (Panchayat), Sone Bhawan Bir Chand Patel Path, Patna.
4. The Secretary, The State Election Commission (Panchayat), Sone Bhawan, Bir Chand Patel Path, Patna.
5. The District Election Officer (Panchayat), Sitamarhi, District-Sitamarhi.
6. The Returning Officer, Panchayat Election, 2021, Runi Saidpur Block, District- Sitamarhi.
7. Dev Narayan Sahu @ Dev Narayan Sah Son of Late Ram Vriksh Shah

Resident of Village-Mehsaul, Ward No.7, P.O.-Mehsaul, Police Station-
Runnisaidpur, District-Sitamarhi.

... .. Opposite Party/s

Appearance :

(In Civil Writ Jurisdiction Case No. 4484 of 2024)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Additional Advocate General (05)

(In CIVIL REVIEW No. 89 of 2024)

For the Petitioner/s : Mr. Sava Deo Singh, Advocate
For the SEC : Mr. Girish Pandey, Advocate
: Mr. Ravi Ranjan, Advocate
For the Private Resp. : Mr. S.B.K. Manglam, Advocate
: Mr. Awnish Kr., Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-03-2024

Re: Civil Review No.89 of 2024

Mr. Sarvdeo Singh, along with Mr. Sanjay Kumar,
learned counsels appearing on behalf of the petitioner seeks to
withdraw Civil Review No.89 of 2024.

2. Accordingly, the same is dismissed as withdrawn.

Re: CWJC No.4484 of 2024

3. Mr. Sarvdeo Singh learned counsel appearing on
behalf of the petitioner, Mr. Ravi Ranjan, learned counsel
appearing on behalf of the State Election Commission and Mr.
S.B.K. Mangalam along with Mr. Awnish Kumar, learned
counsels appearing on behalf of the Private Respondents have
jointly informed this Court that against the order dated
29.01.2024 passed in CWJC No.5501 of 2022, the State
Election Commission has preferred LPA No. 213 of 2024, in
which the petitioner of the present writ petition and the

respondents of the CWJC No.5501 of 2022 are also parties.

4. Considering the fact that petitioner has challenged the order dated 12.03.2024, passed by the Election Tribunal subsequent to the order passed by this Court in CWJC No. 5501 of 2024, this Court is constrained to hear the writ petition to avoid multiplicity of litigation. The relevant part of order passed in CWJC No. 5501 of 2022 is reproduced hereinafter

“Consequently, in compliance of the order of the Hon'ble court, it is therefore ordered that-

1.) The subsequent election(re-poll), which was held on 15.12.2021 with respect to Booth No.213 in the Gram Panchayat elections in the Gram Panchayat Raj, Gangwara Bujurg under Runnisaidpur Block of Sitamarhi is declared to be not held in accordance with the provision of Bihar Panchayat Raj Act, 2006, having not followed the mandate of Article 243(o) of the Constitution of India and therefore election of O.P. No. 7 for the post of Mukhiya of Gram Panchayat Raj, Gangwara Bujurg under Runnisaidpur Block of Sitamarhi is set aside.

2.) The prayer of the petitioner with respect to declaration of him as the returned candidate under section 140 of the Bihar Panchayat Raj Act, 2006 shall be decided now expeditiously, after trial. The opposite parties must submit their objection to the election petition on or before next date.

3.) One copy of this interim order be immediately transmitted to District Election Officer cum Collector, Sitamarhi (O.P. No 5) and the State Election Commission, Bihar, Patna (O.P. No. 2,3 and 4) as mandated vide Rule 113 of Bihar Panchayat Election Rules 2006. ”

5. I am of the opinion that the present writ petition be placed before the Hon'ble Division Bench after due permission

from Hon’ble the Chief Justice.

6. In the meantime, till the writ petition is listed along with LPA No. 213 of 2024, the order dated 12.03.2024 passed by the Election Tribunal, shall not take its effect.

(Purnendu Singh, J.)

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