

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9300 of 2024

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Arun Kumar Upadhyay Son of Late Dhanush Dhari Upadhyay Resident of
village- Barahuli, P.O. Sonhan, P.S. Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal secretary, Cooperative Department,
Bihar, Patna.
2. The District Magistrate Cum -Collector, Kaimur at Bhabua.
3. The District Co-operative Officer, Kaimur at Bhabua.
4. The Block Co-operative Officer, Bhagwanpur, District- Kaimur at Bhabua.
5. The Block Development Officer, Bhabua Cum Election Officer (PACS),
District- Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg, Advocate
For the Respondent/s : Mr. Government Pleader (24)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-09-2024 Heard the parties.

2. The present writ petition has been preferred for the
grant of following relief/s:-

*“(i). For issuance of an appropriate
writ\ writs, order\orders, direction directions
in the nature of certiorari for quashing the
Memo No. 253 dated 02.08.2021 issued by
Respondent no.5 whereby the respondent
no.5 has wrongly decided the representation
of petitioner in the light of order dated
19.07.2021 passed by this Hon'ble court in
CWJC No. 8213 of 2021 and said memo No.
253 dated 02.08.2021 has been first time*



provided to the petitioner by the respondent no.5 by filing the show cause in MJC No. 582 of 2022.

(ii). For issuance of an appropriate writ\writs, order\orders, direction directions in the nature of mandamus directing the respondent authorities to make the polling booth of Mahuyari PACS, Block Bhabua, District- Kaimur at PACS Godown Paranpur (Barahuli) for next election, being most suitable place for conducting the election of Mahuyari PACS because there is sufficient place facilities for conducting the election of concerned PACS and PACS Godown Paranpur (Barahuli), is on road and in center of territory of Mahuyari PACS and the election of Mahuyari PACS in year, 2014 was also conducted at Godown Paranpur (Barahuli) only.

(iii). For grant of any relief(s) the petitioner would be found entitled to in the facts and circumstances of the case.”

3. Pursuant to the order passed by Patna High Court in



C.W.J.C. No. 8213 of 2021 (disposed of on 19.07.2021), the respondent Block Development Officer, Bhabua came out with letter No. 253 dated 02.08.201 (Annexure P/6 to the petition) by which it gave the reason for using the PACS godown-cum-office of Jagdishpur (Mahuari) as the polling centre instead of Paranpur (Barhuli) on the ground that better facilities are available at Jagdishpur.

4. Three years later, the present petition has been filed submitting that in the year 2014, the polling centre was at Paranpur (Barhuli). Now in the year 2019, it was shifted to Jagdishpur. The respondent has given out his reason, this Court is not inclined to interfere in it, particularly when, the petitioner has chosen three years to move before this Court.

5. Learned counsel for the petitioner seeks liberty to approach the appropriate authorities for redressal of his grievance.

6. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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