

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7064 of 2022

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Lal Babu Singh Son of Rama Kant Singh Resident of Village- Bhui, P.O.-
Saisad, P.S.- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principle Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
3. The State Election Commissioner, Patna through the State Election Officer, Govt. of Bihar, Patna.
4. The State Election Officer, Govt. of Bihar, Patna.
5. The District Election Officer-cum-District Magistrate, Rohtas.
6. The District Panchayat Raj Officer, Rohtas.
7. The Block Development Officer, Dihara, Rohtas.
8. Kamal Nayan Upadhyay @ Kamal Kumar Upadhyay Son of Ram Dinesh Upadhyay Resident of Village- Bhui, P.O.- Saisad, P.S.- Dinara, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv
For the Respondent/s : Mr.Kameshwar Pd. Gupta (Gp10)
Mr. Satya Vrat, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 25-02-2025 Heard the parties.

2. The petition has been filed for the following
reliefs:-

*“ (i) For issuance of appropriate
writ/writs to quash the election of respondent
No. 8 namely Kamal Nayan Upadhyay @
Kamal Kumar Upadhyay on the post of Ward of
ward No. 9 of Gram Panchayat Raj Bhui under*



Dinara block in district Rohtas, who deliberately and cleverly concealed/suppressed his criminal antecedent (Criminal Case) which is pending against him and accordingly got his nomination paper valid and won the election for the post of ward member in Ward No. 9 of Gram Panchayat Raj Bhui under Dinara block, district- Rohtas which is highly illegal, unconstitutional as well as against the provision of Representation of people Act and Bihar Panchayat Raj Act.

(ii) For that after declaring the election of respondent Kamal Nayan Upadhyay @ Kamal Kumar Upadhyay on the post of Ward Member in Ward No. 9 of Gram Panachayat Raj Bhui under Dinar block in district Rohtas null and void after setting aside the same the petitioner may be declared as returning candidate as he was the second runner up in the aforesaid election for the post of Ward member in ward No. 9 of Gram Panchayat Raj Bhui under Dinara block in district Rohtas.



(iii) For that respondent authority may be directed that after petitioner as returning candidate, he may be allowed to discharge his legal duties without any hindrance and functioning as a ward member of ward No. 9 of Gram Panchayat Raj, Bhui under Dinara block in district Rohtas.

(iv) For that respondents authorities may further be directed that any act done by the respondent No. 8 (Kamal Nayan Upadhyay @ Kamal Kumar Upadhyay) as a ward member may declare illegal and invalid as his election was invalid and against the law from very beginning.

(v) For that any other relief/reliefs may be granted to the petitioner for which the petitioner is found entitled by this Hon'ble Court in light of present facts and circumstances of the case.” .

3. In this case on 07.10.2024, three weeks peremptory time was granted to the petitioner to remove the defect(s).



4. As the said order was not complied with, it stands dismissed on 28.10.2024.

5. Perused the file, consigned.

(Rajiv Roy, J)

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