

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2464 of 2023

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Anita Devi @ Anita Kumari W/o - Avinay Kumar, R/o - Ward No. 03,
Kothiya Tole Kasina, P.O.- Gopur, P.S. - Garkha, District - Saran - 841310.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary/Additional Chief Secretary, Panchayati Raj, Govt. of Bihar, Patna.
2. The Election Commissioner, Govt. of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Block Development Officer Cum Election Officer (Panchayat Aam Chunav 2021), Garkha Saran.
5. Kanti Devi, W/o - Sri Shatdev Kumar Singh, (Panchayat Samiti Sadash Bhag- 20 Kothiya), R/o - Village- Kashina, P.O. - Gopur, P.S. - Garkha, District - Saran.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Tiwary, Advocate
For the State	:	Smt. Archana Meenakshee (GP-6)
	:	Mr. Prabhat Ranjan, AC to GP-6
	:	Mr. Rana Veer Prawar, AC to GP-6
For the SEC	:	Mr. Ravi Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 28-04-2025 Heard Mr. Shashi Shekhar Tiwary, learned counsel for the petitioner, Mr. Ravi Ranjan, learned counsel appearing for the State Election Commission and Smt. Archana Meenakshee, learned GP-6 for the State.

2. In the present writ application, the petitioner has prayed for the following reliefs:-

I. The answering respondents may kindly be directed to make enquiry with regard to the declaration/veracity of the



documents made available by the respondent no.5 during her nomination/participation into the Panchayat Aam Chunav 2021.

II. The answering respondents may kindly be directed to discharge statutory obligation with regard to redressal of the petitioner grievances which has been made legitimately before them at relevant point of time.

III. The answering respondents may kindly be restrained from allowing an illegality/wrong to be perpetuated in the present matter on account of the non action/inaction entirely attributable to them.

IV. The answering respondents may kindly be directed to dispose of the petitioners representation at the earliest which has been kept pending since long, while passing reasoned cum speaking order over the same and taking action so warranted in this regard.

V. The answering respondents may kindly be directed to stop the working of the respondent no.5, particularly with the financial matter, till the final disposal of the present case.

VI. Any other relief or reliefs may kindly be allowed, for which the petitioner be found entitled in the opinion of this Hon'ble Court.



3. Considering the nature of relief being sought for by the petitioner, the petitioner has statutory remedy under Section 136(2) of the Bihar Panchayat Raj Act, 2006 whereby he can file a petition before the State Election Commissioner for redressal of his grievances. The learned counsel for the petitioner prays that he is willing to withdraw the writ application, if liberty is granted to him to pursue his remedy under Section 136(2) of the Bihar Panchayat Raj Act, 2006.

4. The learned counsel appearing for the State Election Commission and Respondent-State have made no objection to the prayer being made by the learned counsel for the petitioner.

5. The petitioner is granted the liberty to file complaint/petition before the State Election Commissioner under Section 136(2) of the Bihar Panchayat Raj Act, 2006 to ventilate his grievances. The said complaint/petition must be filed within four weeks' from today and thereafter further within two months preferably a final decision shall be taken by the State Election Commissioner on the complaint/petition filed by the petitioner.



6. As prayed for, the writ application stands dismissed as withdrawn with the aforesaid liberty granted to the petitioner.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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