

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1247 of 2024

In

Civil Writ Jurisdiction Case No.13098 of 2024

=====

Guddu Kumar, Son of Dinanath Prasad, resident of ward no. 8, Chakhusain,
PS Khusrupur, District Patna, Bihar 803202, Presently Ward Councillor from
ward no. 7 of Nagar Panchayat, Khusrupur, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The District Magistrate-cum-District Election Officer (Municipality), Patna District- Patna.
4. The District Land Acquisition Officer-cum-Returning Officer, Patna District- Patna.
5. Nagar Panchayat, Khusrupur, P.O. and P.S. - Khusrupur, District - Patna through the Executive Officer.
6. The Executive Officer Nagar Panchayat, Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
7. Manik Lal Prasad Son of Late Mahendra Prasad resident of Ward No.3, Badi Sangat, Chakchanda, P.O. and P.S. Khusrupur, District- Patna, presently Ward Councilor, Nagar Panchayat, Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
8. The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna through the Secretary.
9. The Secretary, The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Amit Shrivastava, Sr. Advocate Mr. Ranjeet Choubey, Advocate
For the State	:	Mr. Ajay, GA-5
For the Nagar Panchayat :		Mr. Ashok Kumar, Advocate
For the State Election C. :		Mr. Ravi Ranjan, Advocate Mr. Girish Pandey, Advocate
For the Pvt. Respondent :		Mr. S.B.K. Manglam, Advocate Mr. Awnish Kumar, Advocate Mr. Vikash Kr. Singh, Advocate

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY



ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 11-02-2025 By order dated 18.12.2024, this Court had stayed the judgment of the learned Single Judge and had restrained the respondent authorities from conducting a re-election till the appeal is disposed off.

2. The issue was the interpretation of the judgment delivered in ***Vinay Kumar Pappu vs. State Election Commission, Bihar & Ors.; 2016 (2) PLJR 253.***

3. Mr. Amit Shrivastava, the learned Senior Counsel, however, has informed this Court that the tenure of the Municipality would be over by tomorrow. In that case, the issues raised here would become academic so far as the appellant and the respondents are concerned.

4. Mr. S.B.K. Mangalam, the learned counsel for the writ petitioner/respondent No.7 submits nonetheless, the issue needs to be decided as it will have serious ramifications in future.



5. As and when such a situation would arise, the Court would look into such situation.

6. Presently, we refrain ourselves from deciding any issue in this matter where no *lis* would continue after tomorrow.

7. The entire proceeding thus has become infructuous.

8. Consigned as having become infructuous.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Avinash/Rajesh

U			
---	--	--	--

