IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10312 of 2026

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Ramesh Kumar S/o Ramjanam Ray, Resident of Kharjamma Ward No.- 2, Gavyari, P.S.- Hamhar, District- Vaishali, presently posted as Chairman Nagar Panchayat, Mahnar- District- Vaishali.

... ... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary of Bihar, Patna.
2. The Commissioner Election Commission, State of Bihar, Patna.
3. District Magistrate, Vaishali.
4. Executive Officer Nagar Parishad, Mahnar, Vaishali.
5. Ashok Kumar, S/o Jai Krishna Ray, Resident of Mahnar, Ward No. 15, P.O.and P.S.- Mahnar, District- Vaishali at Hajipur, presently ward councellor, ward no.- 15, Mahnar Nagar Parishad, Dist.- Vaishali.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajkumar Rajesh, Adv.
For the Respondent/s	:	Mr. Addl. Advocate General (04)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

2 17-07-2026 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following relief(s):-

> *"(i) For that through an appropriate writ or writs in the nature of certiorari to quash the letter date 07.04.2026 and notice dated 9.4.2026 vide memo no. 1474 issued under the signature ofcommissioner Election Commission Bihar Patna. In connection with Election petition no. 27/2025 and 38/2025 (Ashok Kumar Vs. Ramesh Kumar) whereby where under the respondent has refused to accept the earlier report District Magistrate and ordered to give fresh report under his direction to bring the*

details of land of the petitioner with report of any tax dues submitted, or not without giving opportunity to the petitioner while the petitioner has the no dues certificate provided by respondent of any Nagar Parishad talks, but the respondent under influence, arbitrary, putted pressure to the District Magistrate to create evidence as per choice under influence of someone, arbitrarily is not sustainable in accordance of law.

(ii) For that further direction may be given to respondent to not making any hindrance in smooth function of Mahnar Nagar parishad where under political rivalry the aforementioned base less case has been instituted and the complaint failed to submit the evidence then the court of election commission putted pressure to District Magistrate for creating evidence against the petitioner is not fit in the eye of law.

(iii) For that further direction may be given to obtain the as onus is on complainant evidence from the complaint in accordance of law who filed frivolous petition without any evidence but the act of Election Commission is not fair against the petitioner regarding this matter."

3. Learned counsel appearing on behalf of the petitioner submits that the Respondent No. 3 herein has filed an election petition seeking disqualification of the petitioner on the

ground that he has not paid the taxes due to the municipality for the vacant land which is in possession of the petitioner. Learned counsel submits that at the relevant point of time, there was no tax payable by the petitioner on the vacant land and to that effect the Nagar Parishad has given a ‘No Due Certificate’ dated 10.05.2023 (Annexure- P/5). That on earlier occasion the Election Commissioner had called for a report from the Nagar Parishad and the Executive Officer had submitted the report stating that at the relevant point of time there was no tax payable on the vacant land and as such the petitioner was not liable to pay any taxes. However, the State Election Official without accepting the said report has called for another report from the District Magistrate. Learned counsel apprehends that the District Magistrate may submit a report stating that the petitioner is not paying the municipal tax on the vacant land and it may prejudice his case.

4. Learned counsel appearing on behalf of the respondent (State Election Commission) as well as the learned counsel appearing on behalf of the respondent State has vehemently opposed the very maintainability of the present writ petition. It is submitted that the petitioner has filed the present writ petition only on a mere apprehension that the District

Magistrate may submit a report against the petitioner but to the best of knowledge of the respondent (State Election Commission), the report has not been submitted.

5. Having regard to the above, the present writ petition is disposed of directing the District Magistrate to submit his report to the State Election Commission as per the requisition dated 29.01.2026 (Annexure- P/4). The District Magistrate while submitting the report shall duly take into consideration the fact as to whether the petitioner was liable to pay the holding tax for the vacant land or not at the relevant point of time and if liable whether he has paid or not. Based on the said report, the respondent (State Election Commission) shall pass necessary orders duly taking into consideration the objections filed by the petitioner against the report, if any.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

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