

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20919 of 2025

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Laddu Sahani Son of Ramjee Prasad Sahani, resident of Village-Soti Bheriahi, Bakhri, P.S. Kanti, District-Muzafarpur, presently residing at Bhawanpur, Ward No. 22, P.S. Kanti, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna through the Secretary.
4. The State Election Commissioner, The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
5. The Secretary, The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
6. The District Election Officer (Municipality), Muzaffarpur, District-Muzaffarpur.
7. Dilip Kumar @ Dilip Kumar Sah, Son of Lakhindra Sah, Resident of village-Narsanda, P.S.-Kanti, District Muzaffarpur, presently Chief Councilor of Nagar Parishad, Kanti, P.O. and P.S.-Kanti, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar
For the Respondent/s : Mr. Addl. Advocate General (07)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 09-01-2026 1. Heard learned counsel for the parties concerned.
2. The petitioner has filed the present writ application for quashing the order, dated 15.07.2025, passed in Case No. Vidhi-60-77/2023 by the respondent no. 4 i.e. the State Election Commissioner, whereby the complaint of the



petitioner to disqualify the respondent no. 7 to hold the post of Chief Councilor of Kanti Nagar Parishad has been rejected.

3. Learned counsel for the petitioner submits that the respondent no. 7 had filed his nomination, along with affidavit in प्रपत्र – ख to contest Municipal Election, 2023, for the post of Chief Councilor of Kanti Nagar Parishad under the District of Muzaffarpur.
4. While filing application regarding pendency of criminal cases, the respondent no. 7 had disclosed only 03 cases instead of 05 cases and the immovable assets were also not disclosed properly by the respondent no. 7.
5. The petitioner filed a complaint before State Election Commission in this regard and when no action was taken by the State Election Commission, the petitioner filed a writ petition, bearing CWJC No. 10474 of 2023, before this Court, which was disposed by a Co-ordinate Bench of this Court vide order, dated 19.01.2024, on the request of the petitioner, to file a detailed representation before the State Election Commission with direction to take all corrective measures to redress the grievance of the petitioner as prayed for in the writ petition within a period



of three months.

6. The State Election Commission in response thereof disposed the application of the petitioner by the impugned order, dated 15.07.2025, with a direction that if the petitioner is aggrieved by improper acceptance of nomination, he may take recourse to the remedy before the Election Tribunal as per the Bihar Municipal Act, 2007.
7. Learned counsel for the State Election Commission submitted that the claim of the petitioner in the writ application is improper acceptance of nomination which gives rise to election dispute which can be agitated before the Election Tribunal i.e. Sub-Judge of the concerned jurisdiction. By the impugned order, the Election Commissioner has rightly directed the petitioner to seek remedy before the Election Tribunal.
8. Considering the nature of dispute in the writ application and the fact that there is remedy of filing election petition before the Election Tribunal/Sub-Judge and the petitioner, instead of filing the election petition, has filed the present writ application, which is devoid of any merit.
9. In view of the aforesaid observation, this writ application



is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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