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28/2/14

**IN THE HIGH COURT OF JUDICATURE AT PATNA.
(LETTERS PATENT APPELLATE JURISDICTION)**

I.A. No. _____ / OF 2014.

IN

L.P.A.NO. _____ /OF 2014.

(Arising out of C.W.J.C. No.25380 of 2013)

Dushyant Kumar.....APPELLANT

VERSUS.

The State of Bihar and others.....RESPONDENTS

Subject :- Stay

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IN THE HIGH COURT OF JUDICATURE AT PATNA .

(LETTERS PATENT APPELLATE JURISDICTION)

I.A. No. _____ / OF 2014. (Stay)

IN

L.P.A.NO. _____ /OF 2014.

(Arising out of C.W.J.C. No. 25380 of 2013)

In the matter of an application under
Section 151 of the Code of Civil
Procedure ;

AN D

In the matter of:-

Dushyant Kumar.....APPELLANT

VERSUS.

The State of Bihar and others.....RESPONDENTS

To,

The Hon'ble Ms. Justice Rekha M. Doshit , the Hon'ble
Chief Justice of the High Court of Judicature at Patna and Her
Lordship Companion Justices of the said Hon'ble High Court.

The humble stay petition on behalf
of the appellant above named;

MOST RESPECTFULLY SHEWETH:-

1. That, the present interlocutory application on behalf of the appellant above named is for stay of order dated 05.02.2014 passed by the Hon'ble Single Judge in C.W.J.C. No.25380 of 2013 whereby and where under His Lordship was pleased to set aside the order of the State Election Commission in part.
2. That, the appellant had filed his complaint before the State Election Commission to disqualify the Respondent no.6 herein to hold the post of Mukhiya on the ground that she is not a voter of any Gram Panchayat .
3. That, it was the case of the appellant that Pramod Ranjan is wife of Late Bharat Yadav but she had contested the said election in the name of Jaimala Devi.
4. That, during the course of hearing before the State Election Commission , nothing was brought on record that Pramod Ranjan and Jaimala Devi are the one and the same person.
5. That, there could be a case where name of the husband of Jaimala Devi would have been wrongly mentioned as Late Bharat Yadav and thus only because of wrong entry in the name of husband of Jaimala Devi, would not entitle the Respondent no.6 to contest the election ,if her name does not appear in the voter list.
6. That, since Respondent no.6 is not the voter , she cannot be permitted to represent the constituency as the Mukhiya and thus the Commission had committed no mistake in its order.

7. That, in view of the order passed by the Hon'ble Single Judge ,the writ petitioner ,the Respondent no.6 herein , has already represented the matter before the Block Development Officer , Gwalpara for the purposes of power and ,therefore, if the order of Hon'ble Single Judge would not be stayed , an imposter would again come in position to function as the Mukhiya of the Gram Panchayat .

8. That, the appellant has not filed any application like the present one earlier before this Hon'ble Court.

It is ,therefore, most humbly prayed that Your Lordships may graciously be pleased to stay the order dated 05.02.2014 passed by the Hon'ble Single Judge in C.W.J.C. No.25380 of 2013.

AND / O R

Pass such other order or orders as Your Lordships may deem fit and proper in the facts and circumstances of the case.

And for this , the appellant shall ever pray.

A F F I D A V I T.

I, Dushyant Kumar, aged about- 34 years, son of Late Hridya Narayan Yadav, resident of Gwalpara , P.S. Gwalpara, District – Madhepura, do hereby solemnly affirm and state as follows:-

1. That, I am appellant in this case and as such am well acquainted with the facts and circumstances of the case.
2. That, the contents of this interlocutory application and affidavit have been read by me which I have understood and the same are true to the best of my knowledge and belief .