

(2020) 08 PAT CK 0054

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 7308 Of 2020

Vijay Kumar Singh

APPELLANT

Vs

Election Commission Of India And Ors

RESPONDENT

Date of Decision : 28-08-2020

Acts Referred:

Citation : (2020) 08 PAT CK 0054

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Vijay Kumar Singh, Dr. K. N. Singh, Siddharth Prasad, Pawan Kumar

Final Decision : Allowed

Judgement

Petitioner has prayed for the following reliefs:

"(I) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the Respondent Election Commission of India to stay the processes of election of ensuing Bihar Assembly Election, 2020 until the situation becoming normal due to pandemic COVID, 2019 as also to direct the Respondent Election Commission of India to not notify the election schedule unless and until the situation is not becoming normal.

(II) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Election Commission of India to issue a notification for not to hold any public meetings or sittings by any of the political parties even the meetings with their worker until the situation becoming normal due to pandemic COVID, 2019.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case."

Except for bald assertions, there is no material supporting the contentions.

From the averments made, we find the petition to be wholly misconceived and not maintainable. The basis for postponement of the election to the Legislative Assembly, Bihar is sought on the ground- (a) cancellation of world famous Baba Dham Yatra from Sultanganj, Bihar to Deoghar, Jharkhand; (b) voters above the age of 65 years may not be able to cast their vote.

The present petition filed in public interest on behalf of a practising advocate is shorn of particulars and facts, apart from there being no basis supporting the submissions which in any case based on mere presumptions and suppositions. Also, no judicial precedent cited in support of the petition.

The reasons assigned seeking a postponement, to our mind, do not warrant interference, particularly when the record is conspicuously silent indicating non-application of mind by the appropriate authorities. Further, there is nothing on record indicating that the relevant authorities are not likely to account for all factors in determining the feasibility of conducting the elections to the Legislative Assembly of the State of Bihar.

Faced with this situation, learned counsel for the petitioner seeks permission to withdraw the present petition.

In the attending facts and circumstances, we allow the petition to be withdrawn.