

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7755 of 2015

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Sikandar Mukhiya, son of Late Sunder Mukhiya, resident of village- Mahra,
P.O.- Bishanpur, P.S.- Singhiya, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Co-operative Department, Bihar, Patna.
2. The Bihar State Election Authority through Chief Election Officer, Bihar, Patna, 32 Harding Road, Patna- 800001.
3. The Registrar Co-operative Societies, Bihar, Patna.
4. The Block Development Officer, Singhiya, District- Samastipur.
5. Fuleshwar Mukhiya, son of Faudar Mukhiya, resident of village- Goriyari, P.S. - Singhiya, District- Samastipur.
6. Ghuran Mukhiya, son of Late Jilebe Mukhiya, resident of village- Fulhari, P.S.- Singhiya, Distt- Samastipur.
7. Tej Narayan Mukhiya, son of Anandi Mukhiya, resident of village- Jibuduhuli, P.S.- Singhiya, Distt.- Samastipur.
8. Kripal Mukhiya, son of Late Dhodhai Mukhiya, resident of village- Bela, P.S.- Singhiya, Distt- Samastipur.
9. Smt. Gulab Devi, wife of Chhote Mukhiya, resident of village- Fulhara, P.S.- Singhiya, Distt- Samastipur.
10. Ram Bilash Mukhiya, son of Late Ghuran Mukhiya, resident of village- Fulhara, P.S.- Singhiya, Distt- Samastipur.
11. Upendra Mukhiya, son of Late Ram Khelawan Mukhiya, resident of village- Mahra, P.O.- Bishanpur, P.S.- Singhiya, Distt. - Samastipur.
12. Arhuliya Devi, wife of Deo Narayan Mukhiya, resident of village- Jibuduhuli, P.S.- Singhiya, Distt.- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Nibas Prasad Mr. Mukesh Kumar
For the Respondent-State	:	Mr. R.K.Priyadarshi, SC-32
For the State Election Authority:		Mr. Mukesh Kumar

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 02-12-2015

Counsel for the parties are present.

Although a very limited prayer has been made in
this writ petition requiring a direction to the Chief Election
Officer, Bihar State Election Authority to consider the



complaint of the petitioner and to dispose of the same expeditiously, but what I find from perusal of the complaint so filed which is present at Annexure-4 that it is not adhering to the procedural requirements inasmuch as not even the name of the members of the Managing Committee whose election are sought to be upset are named in the complaint. In a sweeping manner the petitioner has charged the elected members of the Managing Committee of non-furnishing of accounts expenses which, according to him, is violative of section-8 of the Bihar State Election Authority Act, 2008 (hereinafter referred to as 'the Act') and thus enough to disqualify them under section-9 thereof. In my opinion an election of a returned candidate cannot be upset on such a casual application which is more in the form of a representation and is also incomplete in all respects.

In the circumstances, the writ petition is disposed of affording liberty to the petitioner, if so advised, to file a comprehensive application giving the details of his grievance and after arraigning the elected candidate whose election he seeks to challenge and should any application be filed by the petitioner, the State Election Authority shall consider and dispose of the same in accordance with law and after giving

opportunity of hearing to the returned candidates.

Considering the nature of the complaint, an expeditious disposal preferably within a period of six months from the date of filing of the application would be appreciated.

(Jyoti Saran, J)

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