

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2629 of 2015

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Devanand Singh, son of Shri Rameshwar Singh Resident of Village and Post Office- Raghapur West, Police Station - Jurawanpur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Registrar, Cooperative Society, Bihar.
2. The Registrar, Cooperative Society, Bihar.
3. The Joint Registrar, Cooperative Society, Tirhut Division, Muzaffarpur.
4. Raghapur West Primary Agricultural Credit Cooperative Society Ltd. through its Chairman, Village and Post Officer- Raghapur-west, Police Station - Jurawanpur, District - Vaishali.
5. Basuki Nath Singh, son of Late Ram Badadur Singh wrongly Claiming alias Badri Nath Singh, resident of Village and Post Office Raghapur-West, Police Station - Jurawanpur, District - Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Shrawan Kumar, Sr. Advocate with Mr. Dinesh Maharaj
For the Respondent/s	: Mr. Kaushal Kumar Jha, AAG-14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 27-08-2015 Heard Mr. Shrawan Kumar, learned senior counsel appearing on behalf of the petitioner, Mr. Kaushal Kumar Jha, learned Additional Advocate General No.14 for the State and Mr. Ishwari Singh, learned counsel appearing for the private respondent no.5.

The petitioner is aggrieved by the order dated 13.1.2015 passed by the Registrar, Cooperative Societies, Bihar, Patna in Miscellaneous (Transfer) Case No.26 of 2015, whereby the transfer application filed by the private respondent has been admitted for hearing and further proceedings in

Election Dispute Case No.01 of 2014 has been stayed until the disposal of the miscellaneous case.

It is questioning the power of the Registrar, Cooperative Societies to entertain such application and even before any opinion has been expressed by the Registrar, Cooperative Societies on the transfer application that the petitioner has rushed to this Court.

Although extensive argument has been advanced by Mr. Shrawan Kumar, learned senior counsel appearing on behalf of the petitioner to question the inherent power of the Registrar, Cooperative Societies vested under section 151 of the Code of Civil Procedure to hear such application but in my opinion, in view of the fact that the matter yet remains pending before the Registrar, Cooperative Societies the writ petition is pre-mature and is disposed of accordingly and should the petitioner be aggrieved by the final order passed by the Registrar, Cooperative Societies, he shall be at liberty to question the same before an appropriate forum.

Since the matter arises out of an election dispute the Registrar, Cooperative Societies would be well advised to hear and conclude the Miscellaneous (Transfer) Case No.26 of 2015 expeditiously and preferably within a period of three months

from the date of receipt/production of a copy of this order.

Since the contesting parties have registered their appearance before this Court they shall be duty bound to cooperate in expeditious disposal of the matter.

(Jyoti Saran, J)

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