

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1022 of 2014

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1. Ram Pravesh Singh S/O Late Lakshmeshwar Singh R/O Village + P.O.-
Bharoli, P.S.- Sonvarsha Kachahari, District- Saharsa

.... Petitioner/s

Versus

1. The Registrar Co-Operative Societies, Bihar, Patna
2. The Assistant Registrar, Co-Operative Societies, Saharsa Anchal, Saharsa
3. The District Magistrate, Saharsa-Cum-District Election Officer, PACS,
Saharsa
4. The District Deputy Election Nodal Officer, PACS Cum DDC, Saharsa
5. The Returning Officer Cum BDO Kahra, Saharsa
6. Roshan Kumar Singh C/O Ajay Kumar Singh R/O Village + P.O.-
Bharoli, P.S.- Sonvarsha, Katahari, District- Saharsa
7. Ashok Kumar Singh S/O Late Satya Narayan Singh R/O Village + P.O.-
Bharoli, P.S.- Sonvarsha, Katahari, District- Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Narayan Singh, Adv.

For the Respondent/s : Mr. Manoj Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 05-08-2015 Heard learned counsel for the parties.

The petitioner has questioned the order dated 29.10.2013/
31.10.2013 of the Registrar, Cooperative Societies in Election
Case No.39 of 2012 whereby the appeal filed by the petitioner has
been dismissed on grounds of maintainability and the order of the
Assistant Registrar, Cooperative Societies, Saharsa Circle, District
Saharsa in Complaint Case No. 4 of 2009 has been affirmed.

The challenge to the election of the petitioner as Chairman
of the Cooperative Society was made by the private respondent
inter alia on grounds that he was a defaulter with the Koshi

Central Cooperative Credit Society Ltd. a registered society under Bihar Cooperative Societies Act, 1935 (hereinafter referred to as 'the Act') having not returned the loan obtained from the Bank. The allegation was contested by the petitioner inter alia on grounds that the society is not a registered cooperative society and thus even if there was any loan, the same would not disentitle him to contest the election. A perusal of the order impugned manifests that the society in question from where the petitioner had obtained the loan which was yet outstanding, is registered under 'the Act'.

In the circumstances, the petitioner was rightly disqualified under Section 44BE (3) of 'the Act' read with Rule 23(i)(f) of the Rules framed thereunder and which orders of the Assistant Registrar requires no interference nor the dismissal of the appeal by the Registrar on grounds of maintainability suffers from any infirmity.

For the reasons aforementioned, the writ petition is dismissed.

(Jyoti Saran, J)

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