

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15230 of 2013

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1. Rahue Prakhand Matasyajivi Sahyog Samiti Ltd. through its Secretary Namely Anirudh Prasad
 2. Anirudh Prasad Son of Brahamdeo Prasad Resident of Village- Banwaripur Mora, P.O.- Bena, P.S.- Bena, District- Nalanda
 3. Gulshan Lal Son of Sri Suresh Prasad Resident of Village- Banwaripur Mora, P.O.- Bena, P.S.- Bena, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Election Authority through its Chief Election Officer, Barrack No.-11, Old Secretariat, Patna
3. The District Magistrate-Cum-District Election Officer (Co-Operative Society), Nalanda
4. The Registrar, Co-Operative Societies, Bihar, Patna
5. The Joint Registrar, Co-Operative Societies, Bihar, Patna
6. The District Co-Operative Officer-Cum-District Deputy Election Officer,/Co-Operative Societies, Nalanda
7. The Block Development Officer-Cum-Election Officer, Rahue Prakhand Matasyajivi Sahyog Samiti Ltd. Rahue District- Nalanda

Respondent 1st set.

8. Nandu Bind Son of Muneshwar Bind, Resident of Village- Beldariapur, P.O.- Brandi, P.S.- Rahue, District- Nalanda
9. Bachchi Devi Wife of Brahamdeo Kewat Resident of Village- Mandilpur, P.O.- Rahue, P.S.- Rahue, District- Nalanda
10. Bindeshwar Kewat Son of Dukhi Kewat Resident of Village- Milki Muzaffarpur, P.O.- Hussainpur, P.S.- Rahue, District- Nalanda.....

Respondent 2nd Set

11. Biresh Kewat Son of Ayodhya Kewat Resident of Village- Milki Muzaffarpur, P.O.- Hussainpur, P.S.- Rahue, District- Nalanda
12. Anil Kumar Son of Ram Lakhan Prasad Resident of Village- Barandi, P.O.- Barandi, P.S.- Rahue, District- Nalanda
13. Swarath Paswan Son of Chhote Paswan Resident of Village- Dihra, P.O.- Rahue, P.S.- Rahue, District- Nalanda
14. Vishambhar Prasad Son of Late Jagdish Prasad Resident of Village- Banwaripur Mora, P.O.- Bena, P.S.- Bena, District- Nalanda
15. Surendra Saw Son of Ragho Saw Resident of Village- Banwaripur Mora, P.O.- Bena, P.S.- Bena, District- Nalanda
16. Surendra Beldar Son of Bandhu Beldar Resident of Village- Beldaria Par, P.O.- Brandi, P.S.- Rahue, District- Nalanda
17. Raja Ram Chouhan Son Of Ram Swarup Chouhan Resident of Village- Bangouria, P.O.- Bena, P.S.- Bena, District- Nalanda
18. Ratan Prasad Son of Vishun Prasad Resident of Village- Banwaripur Mora, P.O.- Bena, P.S.- Bena, District- Nalanda
19. Ranjeet Kumar Son of Late Ram Nandan Ram, Resident of Village- Banwaripur Mora, P.O.- Bena, P.S.- Bena, District- Nalanda
20. Ram Kishun Jamadar Son of Mohan Jamadar Resident of Village And P.O.- Sosandi, P.S.- Rahue, District- Nalanda
21. Rajendra Bind Son of Rameshwar Bind Resident of Village-

Banwaripur Mora, P.O.- Bena, P.S.- Bena, District- Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Verma

For the Respondent/s : Mr. Sanjay Kr No.1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 10-09-2015

Heard Mr. Umesh Kumar Verma learned counsel for the petitioners, learned counsel for the State and counsel for the State Election Authority and Mr. Mrigendra Kumar for the private respondents.

The writ petition is directed against the order dated 23.5.2013/30.5.2013 passed by the Joint Registrar, Co-operative Societies, Bihar, Patna in Election Case No.107 of 2012 whereby the election to the Rahue Prakhand Matasyajivi Sahayog Samiti in the district of Nalanda for constitution of the Managing Committee has been set aside.

Learned counsel for the contesting parties are in agreement that the challenge to the election was based upon irregular voter list. It is also not in dispute that two of the election petitioners had contested the election on the same voter list but were unsuccessful. In so far as election petitioner namely Bindeshwari Khewat is concerned he was not even a voter nor a member of the society.

In the aforementioned circumstances which is not contested,

in my opinion whereas the respondent Nos. 8 and 9 having contested the election could not have challenged the election to the managing committee on the grounds of infirmity in the voter list, in so far as the third applicant i.e. respondent No.10 is concerned, since his membership itself was in contest in absence of his name from the voter list he can not be a person aggrieved.

For the reasons aforementioned, I am unable to uphold the order impugned in the writ petition which is accordingly set aside. The writ petition is allowed.

Since the petitioners by virtue of the interim order are restored to their respective post, the interim order stands confirmed. The writ petition is allowed.

Bibhash/-

(Jyoti Saran, J)

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