

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2381 of 2015

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1. Jai Kishun Chaudhary Son of Late Jugeshwar Chaudhary Resident of Village / Mohalla - Rampur Dayal, Block - Bandra, Police Station - Pear, District - Muzaffarpur.
 2. Ram Sogarath Mahto Son of Hiranman Mahto Resident of Village/ Mohalla - Pear, Block - Bandra, Police Station - Pear, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar Election Authority, 32 Harding Road, Patna - 800001, represented through its Secretary, the Bihar Election Authority, 32, Harding Road, Patna - 800001.
3. The District Co-operative Officer, Muzaffarpur.
4. The Block Co-operative Officer, Bandra, Muzaffarpur.
5. The Returning Officer-cum-Block Development Officer, Bandra, Muzaffarpur.
6. The Primary Agriculture Co-operative Society, Bandra District - Muzaffarpur through its Secretary Block Co-operative Society, Bandra, Muzaffarpur.
7. The Chairman, Primary Agriculture Co-operative Society, Bandra Block, District - Muzaffarpur.
8. Subhash Chandra Rai Son of Haribans Rai Resident of Village - Rampur Dayal, P.S. - Piar, District - Muzaffarpur, the elected Chairman of Village - Rampur Dayal PACS.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kailash Nath Diwakar, Adv.
For the Respondent/s : Mr. Gp8- Manish Kumar, GP 8
For the S.E.A : Mr. Mukesh Kumar Thakur, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-09-2015 Learned counsel for the petitioner has since deceased and there is no other Vakalatnama on record.

Learned counsel for the State and Mr. Mukesh Kumar Thakur for the State Election Authority are present.

Mr. Thakur submits that writ petitioner prays for cancellation of the election to the Primary Agriculture Credit

Cooperative Society, Rampur Dayal in the District of Muzaffarpur inter alia on grounds that the name of the petitioner was not included in the voter list despite the order passed by this Court in C.W.J.C. No. 16554 of 2015.

It is not in dispute that the election of the society in question has already been held and the Managing Committee constituted.

In the circumstances, the remedy if any available to the petitioners was only by way of election petition in view of the stipulations underlying Section 14A(6) of the Bihar Cooperative Societies Act read with Rule 21X of the rules framed thereunder as well as the provisions of the State Election Authority Act.

In the circumstances discussed, the writ petition is held not maintainable and is disposed of accordingly.

(Jyoti Saran, J)

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