

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13962 of 2015

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1. Rajiv Ranjan, son of late Rajendra Prasad.
 2. Sona Singh, S/o Late Panchhi Lal Yadav.
Both are residents of Mohalla- Digha Ghat, Patipul, P.O. - Digha Ghat, P.S. - Digha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Registrar, Cooperative Societies, Cooperative Department, Bihar at Patna.
2. The Registrar, Cooperative Societies, Bihar at Patna.
3. The Deputy Registrar, Cooperative Societies, Patna.
4. Braj Bhushan Prasad Mehta, son of late Sita Ram Mahto, resident of Mohalla- Digha Ghat, Patipul, P.O.- Digha Ghat, P.S.- Digha, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chiranjiva Ranjan
For the Respondent-State : Mr. Shakib Ayaz, AC to GA-9
For private Respondent no.4 : Mr. Gyan Prakash

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-09-2015

Perused the defects which are ignored.

Heard Mr. Chiranjiva Ranjan, learned counsel appearing on behalf of the petitioners, learned counsel for the State and Mr. Gyan Prakash who has suo-motu registered appearance on behalf of the respondent no.4.

Although this matter has been listed under the heading 'For orders' for removing the defects but with the consent of the parties the matter has been considered on merits and is being disposed of at this stage itself.

The petitioner questions the maintainability of Election Dispute Case No.282 of 2014 filed under section 48 of



the Bihar Cooperative Societies Act, 1935 read with the provisions of Bihar State Election Authority Act, 2008, *inter alia*, on grounds of being barred by limitation. According to the petitioner, the election dispute has been raised beyond the period of 90 days.

Mr. Chiranjiva Ranjan, learned counsel appearing for the petitioners has submitted that the issue of maintainability has been raised before the Registrar, Cooperative Societies where the matter is yet pending. He relies upon a Division Bench judgment of this Court reported in **1995 (1) PLJR 396 (Sita Ram Sah Vs. The State of Bihar)** to canvass that the provisions of the Limitation Act are not applicable to an election dispute raised under the Bihar Cooperative Societies Act and the Bihar State Election Authority Act nor can it be condoned.

Having heard learned counsel for the parties and considering that the election dispute is yet pending for final disposal before the Deputy Registrar, Cooperative Societies, Bihar, Patna the writ petition is disposed of with the liberty to the petitioners to raise all issues as raised herein during the course of the proceedings and which shall be considered by the Deputy Registrar in the backdrop of ratio laid down by this

Court in the case of **Sita Ram Sah** (supra) and disposed of the same in accordance with law.

(Jyoti Saran, J)

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