

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9591 of 2015

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Ranveer Sahani, son of Late Ram Pratap Sahani, resident of Village + P.O.-
Hatha, P.S.- Piyar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Co-operative Department, Govt. of Bihar, Patna.
2. The Registrar, Co-operative Societies, Bihar, Patna.
3. District Co-operative Officer, Muzaffarpur -cum- Deputy Election Officer (Matasyajivi Sahyog Samiti), Muzaffarpur.
4. Block Development Officer, Bandra -Cum- Election Officer, Bandra Prakhanda Matasyajivi Sahyog Samiti Ltd, Patsara, District- Muzaffarpur.
5. Bandra Prakhanda Matasyajivi Sahyog Samiti Ltd, Patsara, District- Muzaffarpur.
6. Ravindra Sahani, son of - Rajkumar Sahani, R/o- Village + P.O.- Patsara, P.S.- Piyar, District- Muzaffarpur, Ex- Secretary of Bandra Prakhanda Matasyajivi Sahyog Samiti Ltd, Patsara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ishwari Singh
Mr. Surendra Kumar Mishra
For the Respondent- State : Mr. Mahtab Alam, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 25-08-2015 Heard Mr. Ishwari Singh, learned counsel appearing

on behalf of the petitioner and Mr. Mahtab Alam, learned

Assisting Counsel to Standing Counsel No.3 for the State.

The petitioner has questioned the order dated
20.1.2015/14.3.2015 passed by the Registrar, Cooperative
Societies, Bihar, Patna in Review Case No.134 of 2013 arising
from Election Dispute Case No.138 of 2012 circulated vide
Memo no.351 dated 24.3.2015, a copy of which is placed at
Annexure-10 to the writ petition.



The only argument advanced by Mr. Singh, learned counsel appearing for the petitioner is that even when the prayer of the petitioner to declare the election of the private respondent null and void was accepted, the second prayer seeking a declaration in his favour was not passed and for which he had moved this Court in CWJC No.155 of 2013. Vide order dated 7.1.2013 the writ petition was disposed of with a direction to the Registrar, Cooperative Societies to consider the consequential prayer of the petitioner regarding his declaration as the returned candidate. The prayer of the petitioner having not been accepted that he is again before this Court.

I have heard learned counsel for the parties and I have perused the records.

Although the prayer of the petitioner has been rejected on different ground but what reflects from the pleadings is that the election petition filed by the petitioner did not fulfill the requirements of section 10(2) (a) of the Bihar State Election Authority Act, 2008 (hereinafter referred to as 'the Act') which mandates that the petitioner shall join all the contesting candidates as parties in cases where he in addition to questioning the declaration of the returned candidate, also seeks a declaration in his favour. Manifestly this mandatory requirement

was not fulfilled by the petitioner and which incurable defect has been fairly admitted by Mr. Ishwari Singh, learned counsel appearing for the petitioner.

In that view of the matter, even when the reasons assigned by the Registrar, Cooperative Societies for rejecting the prayer of the petitioner was different but considering that the election petition itself was suffering from incurable infirmity, this prayer of the petitioner could not be allowed. In my opinion no case for indulgence is made out and the writ petition is accordingly disposed of.

(Jyoti Saran, J)

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