

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2367 of 2013

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1. Saudagar Sahni Son of Late Nasib Sahni Resident of Village and P.S. and P.O. - Bariarpur, Distt - Munger

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Election Officer, Bihar State Election Authority, Bairak No. 11, Old Secretariat, Patna - 15
2. The Registrar, Co-Operative Societies, Bihar, Patna
3. The Block Development Officer-Cum-Election Officer, Bariarpur, Distt - Munger
4. The District Co-Operative Officer-Cum-Deputy District Election Officer, Munger
5. Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd, through its So-Called Secretary Sahendra Mandal Son of Thakur Mandal Resident of Village and P.O. - Bariarpur, Distt - Munger
6. Sahendra Mandal Son of Thakur Mandal Resident of Village and P.S. - Bariarpur, Distt - Munger
7. Parmeshwar Sahni Son of Late Muni Lal Sahni Resident of Village and P.S. - Bariarpur, Distt - Munger , So-Called Chairman of Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.
8. Anjani Devi Wife of Sahendra Sahni Resident of Village and P.S. - Bariarpur, Distt - Munger, Member of the Managing Committee of Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.
9. Manju Devi Wife of Lakhan Lal Mandal Resident of Village and P.S. - Bariarpur, Distt - Munger, Member Of The Managing Committee Of Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.
10. Anil Sahni Son of Late Prasadi Sahni Resident of Village And P.S.- Bariarpur, Distt - Munger, Member of the Managing Committee of Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.
11. Dropadi Devi Wife of Achhelal Sahni Resident of Village and P.S.- Bariarpur, Distt - Munger, Member of the Managing Committee of Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.
12. Prakash Sahni Son of Late Bajir Sahni Resident of Village and P.S. - Bariarpur, Distt - Munger, Member of the Managing Committee of Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.
13. Dilip Mandal Son of Late Jagdish Mandal Resident of Village and P.S. - Bariarpur, Distt - Munger, Member of the Managing Committee of Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.
14. Anil Mandal Son of Jagdish Mandal Resident of Village and P.S. - Bariarpur, Distt - Munger, Member of the Managing Committee of Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.
15. Bijay Sahni Son of Late Darogi Sahni Resident of Village and P.S. - Bariarpur, Distt - Munger, Member of the Managing Committee of Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.
16. Saheb Sahni Son of Late Singho Sahni Resident of Village and P.S. - Bariarpur, Distt - Munger, Member of the Managing Committee of Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.
17. Sahendra Sahni Son of Bhukhan Sahni Resident of Village and P.S. - Bariarpur, Distt - Munger, Member of The Managing Committee of

Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.
18. Kishore Sahni Son of Asho Sahni Resident of Village and P.S. -
Bariarpur, Distt - Munger, Member of the Managing Committee of
Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Mahasweta Chatterjee, Adv.

For the Respondent/s : Mr. Shail Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

4 25-08-2015

Heard learned counsel for the parties.

The petitioner is aggrieved by the order dated 20.12.2012 passed by the Registrar, Cooperative Society in Election Case No. 174 of 2012 whereby the election petition filed by the petitioner has been dismissed on grounds that it was filed after one day delay.

It is the argument of Ms. Mahasweta Chatterjee appearing on behalf of the petitioner that the petition was filed within the prescribed time and that the conclusion so drawn by the Registrar, Cooperative Society is an error apparent on the face on record. In support of the arguments learned counsel relies upon a receipt dated 21.8.2012 stated to have been issued form the office of the Registrar upon filing of the election petition.

In the circumstances discussed and since it is the contention of the petitioner that the opinion expressed by the Registrar in dismissing the election petition is an error apparent on the face of

record hence in view of the powers so vested in the Registrar under Section 48(7) of the Bihar Cooperative Societies Act, 1935, the writ petition is disposed of with a liberty to the petitioner to exhaust the remedy so available to him under the said provisions.

It goes without saying that any such review application filed by the petitioner within four weeks from today shall be considered and disposed of in accordance with law by the Registrar, Cooperative Society after giving opportunity of hearing to the petitioner as well as the private respondents expeditiously and preferably within 3 months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

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