

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19625 of 2014

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Ravindra Ram Son of Baudhu Ram Resident of Village-Surajpura P.O-
Kusumahar,P.S-Akbarpur,District-Nawada

.... Petitioner/s

Versus

1. The State of Bihar.through the Principal Secretary,Goverment of Bihar Patna
2. The Chief Election Authority,Bihar state Election Authority,Harding Road,Patna
3. The District Magistrate-cum-Collector,Nawada
4. The District Co-Operative Officer,Nawada
5. The Sub- Divisional Magistrate,Rajauli
6. The Block Development Officer, Akbarpur, Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Kant Kumar, Advocate
For the Respondents 1 & 2 : Mr Mukesh Kumar, Advocate
For the respondents 3 to 6 : Mr. Pratik Kumar Sinha, A.C. to G.A.XII
For the intervenor respondent : Mr. Arun Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-02-2015

I.A. No.9438 of 2014

This application is filed with a prayer to implead Arbind Kumar, son of Harihar Singh, resident of Kulna, P.O. Kushmahar, P.S. + Block Akbarpur, District-Nawadah, as party respondent to the writ petition.

In the facts and circumstances of the case, the interlocutory application is allowed and the said Arbind Kumar is impleaded as party respondent.

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The petitioner challenges the notification dated 05.11.2014 issued by the Chief Election Commissioner through which, the elections that were held on 01.11.2014 to the Primary Agriculture Cooperative Society, Kulna within Akbarpur Block of Nawadah District, have been cancelled.

The petitioner states that as against 970 voters, 774 members have exercised their right to vote and though the election was held peacefully, the Chief Election Commissioner- 2nd respondent, directed cancellation of election.

Heard Sri Shashi Kant Kumar, learned counsel for the petitioner, Sri Mukesh Kumar, learned counsel for the respondent nos.1 and 2, Sri Pratik Kumar Sinha, learned A.C. to G.A.XII for the respondent nos. 3 to 6 and Sri Arun Kumar, learned counsel for the impleaded intervenor.

The Bihar Cooperative Societies Act and the Rules made thereunder, prescribe the procedure, to be followed in the conduct of election and other relevant matters. The petitioner does not dispute that the 2nd respondent has the power not only to issue notification for election, but also to cancel, the election process if he finds that any irregularities have taken place. Being a voter, the

petitioner cannot challenge the specific notification issued in exercise of statutory power.

It was brought to the notice of the Court that the 2nd respondent has already initiated steps for conducting the polls once again.

We find no merit in this writ petition. Accordingly, the writ petition is dismissed.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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