

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14669 of 2015

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Shima Kumari wife of Sri Pankaj Kumar resident of village-Raghunath
Patti, P.O. Baluka Ram P.S. Vaishali, District-Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Government of Bihar, New Secretariat, Patna
2. The Registrar of Cooperative Societies, Bihar, New Secretariat Patna
3. The Joint Registrar, Tirhut Division, Muzaffarpur
4. Sri Kameshwar Rai son of late Jai Mangal Rai resident of village-Rampur Jurawan P.O. Baluka Ram P.S. and District-Vaishali
5. Mohammadpur Primary Agriculture Credit Cooperative Societies Limited, District-Vaishali

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Chandan Priyadarshi, Advocate

For the Respondent/s : Mr. Abbas Haider, SC-16

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 17-09-2015 Counsel for the parties are present.

The petitioner relying upon a judgment of this Court passed in CWJC No. 7358 of 2014 submits that the Joint Registrar, Cooperative Societies, Tirhut Division, Muzaffarpur suo motu cannot assume jurisdiction of any election dispute unless transferred by the Registrar under Section 48(2) of the Bihar Cooperative Societies Act (hereinafter referred to as the 'Act'). He questions the jurisdiction of the Joint Registrar, Cooperative Societies, Tirhut Division to adjudicate in Election Case No. 75 of 2015 on such grounds. The petitioner thus prays for a direction to the Joint Registrar, Cooperative Societies to transfer the election

dispute to the Registrar, Cooperative Societies for either adjudicating on the same himself or to transfer the same under Section 48(2) of 'the Act' to the authority vested with the power of the Registrar under Section 6(2) of 'the Act'.

Mr. Chandan Priyadarshi, learned counsel appearing on behalf of the petitioner while making such submission fairly admits that no such application has been filed by the petitioner before the Registrar under Section 48(7) of 'the Act' read with sub-section (2) thereof praying for transfer of Election Case No. 75 of 2015 to himself and to either dispose of the same himself or transfer the same for adjudication by an authority vested with powers of Registrar.

In the circumstances noted above, the writ petition is disposed of affording liberty to the petitioner to exhaust the remedy so available to him in law.

(Jyoti Saran, J)

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