

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.964 of 2016

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Musaharu Mahto Son of Late Tulasi Mahto, resident of Village- Basgarha,
Chandra Tola, P.S. Medani Chouki, District- Lakhi Sarai.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Govt. of Bihar, Patna.
2. The Registrar, Co-operative Societies, Bihar, Patna.
3. The Joint Registrar, Co-operative Societies, Bhagalpur Division, Bhagalpur.
4. The District Magistrate, Lakhi Sarai.
5. The District Co-operative Societies, Lakhi Sarai.
6. The Block Development Officer- Cum-Election Officer (PACS), Suryagarha Block, Suryagarh, District- Lakhi Sarai.
7. The Bihar State Election Authority through its Secretary.
8. The Chief Election Officer, Bihar State Election Authority, Patna.
9. Banshipur Primary Agriculture Credit Co-operative Society under Suryagrha Block in the district of Lakhisarai through its PCS Manager.
10. Arjun Bind, So-called Chairman of Banshipur PACS, Son of Sri Mithu Bind, resident of Basgarha, Bind Toli, P.O Banshipur, P.S. Medani Chouki, District- Lakhi Sarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. Amitesh Kumar, Adv.

For the Respondent/s : Smt. Nivedita Nirvikar, G.A.-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 19-01-2016 Heard learned counsel for the parties.

The petitioner is aggrieved by the order dated 3.9.2015/14.9.2015 passed by the Joint Registrar, Cooperative Societies, Bhagalpur Division, Bhagalpur, whereby the election disputes bearing Election Dispute No. 8 of 2014 preferred by the petitioner has been dismissed.

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

Perusal of the impugned order manifests that election of the private respondent was questioned on the anvil of the infracted

voter list. It is not in dispute that the petitioner contested the election to the post of Chairman, Banshipur Primary Agriculture Credit Cooperative Society, in the district of Lakhisarai and has lost election to the private respondents. It is after contesting the election and having lost the same that the election dispute was raised pointing out infirmities in the voter list. The order impugned takes note of the stand of the Returning Officer who has categorically stated that at no stage did the petitioner raise any objection to the voter list.

Apart from the fact that an election cannot be upset on solitary ground that the voter list suffered certain irregularities, considering the fact that this petitioner never raised any objection to the voter list rather has proceeded to contest the election on the same voter list and having lost, he has chosen to raise a dispute, the petitioner has waived his rights and neither on merits nor on the principles of waiver and acquiescence, the petitioner can be permitted to question the election on grounds of infracted voter list. The writ petition is accordingly dismissed.

(Jyoti Saran, J)

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