

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19684 of 2015

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Chandranath Sharma, Son of Sri Shiv Prasad Sharma, Resident of Village-Shamser Nagar, Post Office- Shamsheer Nagar, Police Station- Shamsheer Nagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Cooperative, Government of Bihar, Patna.
2. The Bihar State Election Authority, 32 Harding Road, Patna through the Chief Election Officer.
3. The Registrar, Co-operative Society, Government of Bihar, Patna.
4. The Joint Registrar, Co-operative Society, Government of Bihar, Magadh Division, Gaya.
5. The District Magistrate -cum- District Election Officer, Aurangabad.
6. The District Co-operative Officer, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Minakshi Kumari

Mr. Krishna Chandra

For the Respondent-State : Mr. Uma Shankar, GP-4

For the State Election Authority: Mr. Mukesh Kumar

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 11-01-2016 Heard Ms. Minakshi Kumari, learned counsel appearing for the petitioner, Mr. Uma Shankar, learned Government Pleader No.4 for the State and Mr. Mukesh Kumar, learned counsel appearing for the State Election Authority.

The petitioner is aggrieved by the order dated 3.10.2015/7.10.2015 passed by the Joint Registrar, Magadh Division, Gaya in Election Case No.46 of 2014-15, whereby the society in question i.e. Shamsheer Nagar Primary Agriculture Credit Cooperative Society in the district of Aurangabad has been dissolved in purported exercise of powers vested under

section 41(5) of the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as 'the Act'), *inter alia*, on grounds that more than half of the members of the Managing Committee have since resigned.

Although learned counsel appearing for the petitioner has relied upon the provisions of section 14(9) of 'the Act' to question the impugned action, but learned counsel appearing for the respondents relying upon a decision of this Court rendered in CWJC No.9491 of 2015 (Vinay Kumar & Ors. Vs. The State of Bihar) and analogous cases have submitted that the issue raised in the present writ petition stands concluded under the judgment of this Court passed on 17.8.2015.

Having heard learned counsel for the parties and considering the statutory stipulations underlying section 41(5) of 'the Act' and judgment of this Court passed in CWJC No.9491 of 2015 and analogous cases, I find no reason to interfere with the order impugned and the writ petition is accordingly disposed of.

(Jyoti Saran, J)

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