

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2165 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 13939 of 2016**

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1. Bihar Asainik Seva Sahkari Grih Nirman Samiti Limited, P.O. Ashiana Nagar, P.O. Ashiana Nagar, Magistrate Colony, Patna, through its Ex-President, Raghunandan Prasad (I.A.S., Retired).
 2. Raghunandan Prasad (I.A.S., Retired), Ex- President, Bihar Asainik Seva Sahkari Grih Nirman Samiti Limited, P.O. Ashiana Nagar, P.O. Ashiana Nagar, Magistrate Colony, Patna.

.... Appellants

Versus

1. The State of Bihar, through the Principal Secretary, Bihar State Cooperative Department, Vikash Bhawan, New Secretariat, Patna.
2. Bihar State Election Authority through its Chairman, 32 Harding Road, Patna.
3. The Chairman-cum-Chief Election Officer, Bihar State Election Authority, 32 Harding Road, Patna.
4. The Registrar, Cooperative Department, Vikash Bhawan, New Secretariat, Patna.
5. The Collector-cum-District Election Officer (Cooperative Societies), Budh Marg, Patna.
6. The District Cooperative Officer, Budh Marg, Patna.
7. The Block Development Officer-cum-Election Officer, Behind Regent Cinema, East of Gandhi Maidan, Patna.

.... Respondents

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Appearance:

For the Appellant/s : Mr. Jagannath Singh, Advocate.
For the Respondent/s : Mr. Chittranjan Sinha, PAAG-2.
For the Intervener : Mr. S. N. Pathak, Advocate.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 02-12-2016

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench of this Court on 08th of
November, 2016 whereby, the elections to Bihar Asainik Seva
Swablambi Sahkari Grih Nirman Samiti Limited was not found to be



violative to the provisions of Bihar Self-supporting Co-operative Societies Act, 1996.

2. The argument of the learned counsel for the appellants is that earlier, another Hon'ble Judge while hearing the writ application has passed an interim order dated 23.08.2016 doubting the election process. Therefore, the learned Single Bench while deciding the writ petition dated 08.11.2016 could not take a view which is against the view of the learned Single Bench at the interim stage.

3. We find that the argument of learned counsel for the appellants as untenable. The order dated 23.08.2016 is an interim order. It is not a finding and a conclusive order passed in other proceedings which will bind the learned Single Bench of this Court while hearing another writ petition. Since, the order has been passed in the same writ petition earlier; such interim order will not bind the learned Single Bench hearing the same writ petition on merits.

4. In view of the said fact, we do not find any merit in the argument raised by the learned counsel for the appellants.

5. Learned counsel for the respondents have pointed out that after conduct of the elections, the appellants have remedy to dispute the election in terms of Section 10 and 11 of the Bihar State Election Authority Act, 2008.



6. In view of the said fact, the present letters Patent Appeal is dismissed with liberty to the appellants to raise dispute in election petition, if advised, in accordance with law.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	07.12.2016
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