

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6828 of 2017

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Ayodhya Choudhary Son of Sri Dukhu Choudhary R/o Village Sawath, P.S.
Durgawai, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Fishery and Animal Husbandry Department, Bihar, Patna.
2. The Director, Fisheries Department, Bihar, Patna.
3. The Chief Election Officer, Bihar, Patna.
4. The District Magistrate, Kaimur at Bhabua.
5. The District Cooperative Officer, Kaimur at Bhabua.
6. The Registrar, District Cooperative Society, Kaimur at Bhabua.
7. Block Development Officer cum Election Officer of Fishery Cooperative Society Society, Block Durgawati, Kaimur at Bhabua.
8. Secretary, Fisheries Society, Block Durgawati, Kaimur at Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan and Mr. Vivek, Advocates
For the State	:	Mr. Rakesh Kumar Shrivastava, A.C. to G.P. 15
For the SEC	:	Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-05-2017

Heard learned counsel for the petitioner, learned AC to
GP-15 for the State and learned counsel for the State Election
Authority, Bihar, Patna.

2. The petitioner has moved the Court for declaration of
the draft voter list which has been published to be void on the ground
that the same has not been prepared in accordance with the
requirement of the Bihar Co-operative Societies Act, 1935 read with
Bihar Co-operative Societies Rules, 1959 as also the guidelines
issued by the Chief Election Officer of the State Election Authority,



contained in Letter No. 17 dated 13.01.2017 relating to preparation of voter list.

3. The petitioner is Chairman of Fishery Co-operative Society, Durgawati in the district of Kaimur and as per the voter list of the year 2012, the voter list for the year 2017 had to be prepared and if any changes were to be made, it was to be considered by the Managing Committee of the Co-operative Society and reasons had to be assigned both for deletion and addition. It appears that the same has not been done and the Secretary of the Society, in collusion with the Election Officer, has prepared a draft list in which 200 voters have been removed and 160 new voters have been added.

4. Learned counsel for the State and the State Election Authority submitted that in view of there being *prima facie* material to indicate that the procedure prescribed has not been followed, the matter be remanded to a Competent Authority for verification and appropriate action.

5. Having considered the matter, the writ petition stands disposed off with a direction to the District Co-operative Officer, Kaimur (respondent no. 5) to look into the issue with regard to preparation of voter list of Fishery Co-operative Society, Durgawati, Kaimur after verification from the relevant records and after giving opportunity of hearing to the parties including the petitioner. The said



exercise be completed within three weeks from the date of production of a copy of this order before the respondent no. 5, which should be done not later than 10 days from today. Upon receipt of the order, the respondent no. 5 shall verify the grievance of the petitioner, including the fact as to whether the signature of the petitioner on the list given by the Secretary of the Society (respondent no. 8) is forged. He shall also give opportunity to the parties concerned, including the petitioner, as well as respondent no. 8 and thereafter decide the issue and prepare the final voter list of Fishery Co-operative Society, Durgawati. The list finally prepared by the respondent no. 5 shall be the list for holding election of the said Co-operative Society by the State Election Authority.

(Ahsanuddin Amanullah, J.)

P. Kumar

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