

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7518 of 2017

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1. Bariarpur Matsyajivi Sahyog Samiti Ltd. Bariarpur through its Secretary Sahendra Mandal son of Late Thakur Mandal, resident of village-Barel Basa Pariya Bariarpur, P.S.-Bariarpur, District-Munger
 2. Sahendra Mandal son of late Thakur Mandal, resident of village-Barel Basa Pariya Bariarpur, P.S.-Bariarpur, District-Munger

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Bihar, Patna.
2. The Bihar State Authority through Chief Election Officer, 32-Harding Road, Patna-800001.
3. The Registrar Co-operative Societies, Bihar, Patna.
4. The District Magistrate-cum-District Election Officer, Munger.
5. The District Co-operative Officer, Munger.
6. The Block Development Officer-cum-Election Officer, Bariarpur Prakhanda Matsyajivi Sahyog Samiti Ltd. Bariarpur, P.S.-Bariarpur, District-Munger.
7. The Block Co-operative Extension Officer, Bariarpur, P.S.-Bariarpur, District-Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sandeep Kumar, Advocate
For the State	:	Mr. Amit Prakash, GA-13
For the Election Authority	:	Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-05-2017

Heard learned counsel for the petitioners, learned GA-13 for the State and learned counsel for the State Election Authority, Bihar, Patna.

2. The petitioners have moved the Court being



aggrieved by the final voter list/membership list notified by the respondent no. 6 relating to Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd. Bariarpur (hereinafter referred to as the 'Society') in the district of Munger.

3. The petitioner no. 1 is the Society and petitioner no. 2 is the Secretary of the Society. In terms of the relevant provisions of the statute, as per law, the Managing Committee of the Society has to finalize the membership list and send it to the District Co-operative Officer who, after verification sends it to the concerned Election Officer for the purposes of notifying the voter list. The same was done and the draft publication was published. Thereafter, it appears that many additions and deletions were made in the said draft list and the final publication has been made incorporating such additions/deletions.

4. Learned counsel for the petitioners submitted that the law requires that after publication of the provisional voter list, a formal objection has to be made by the person(s) concerned in proper form for addition or deletion of names. It was submitted that no such formal application/objection has been filed and only on the pressure created by there being demonstration by some persons, many names have either being deleted or added to the list and based upon the same, the final voter list has been published. Learned counsel



submitted that the provisional voter list had to be published as the final voter list without any changes, as on record no objection/complaint has been received in proper form within the stipulated time.

5. Learned counsel for the State and State Election Authority submitted that in view of there being *prima facie* material to indicate that the procedure prescribed for such addition/deletion of names in the voter list not having been followed, the matter be remanded to a Competent Authority for verification and appropriate action.

6. Having considered the matter, the writ petition stands disposed off with a direction to the District Co-operative Officer, Munger (respondent no. 5) to look into the issue with regard to preparation of voter list of the Society, after verification from the relevant records and after giving opportunity of hearing to the parties, including the petitioners. The exercise be completed within two weeks from the date of production of a copy of this order before the respondent no. 5, which should be done latest within one week from today. Upon receipt of the order, the respondent no. 5 shall verify the grievance of the petitioners. He shall also give opportunity to the parties concerned, including the petitioners, and thereafter decide the issue and prepare the final voter list of the Society and the list finally



prepared by the respondent no. 5 shall be the list for holding election
of the Society by the State Election Authority.

(Ahsanuddin Amanullah, J)

P. Kumar

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