

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5976 of 2017

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1. Premjeet Kumar, Son of shri Dhurub Narain Choudhary, Resident of Village-Parham, P.O.-Farda, P.S.-Naya Ram Nagar, Distt.-Munger.
 2. Ram Bahadur Choudhary, Son of Late Bhato Choudhary, Resident of Village-Purbi Tola, Farda, P.O.-Farda, P.S.-Naya Ram Nagar, Distt-Munger.
 3. Dheero Choudhary, Son of Late Budhu Choudhary, Resident of Village-Parham, P.O.-Farda, P.S.-Naya Ram Nagar, Distt-Munger.
 4. Jawahar Choudhary Son of Phulee Choudhary, Resident of Village-Parham, P.O.-Farda, P.S.-Naya Ram Nagar, Distt-Munger.
 5. Shambhu Choudhary, Son of Late Ambika Choudhary, Resident of Village-Purbi Tola Farda, P.O.-Farda, P.S.-Naya Ram Nagar, Distt.-Munger.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Cooperative Department, Bihar, Patna.
2. The Bihar State Election Authority through Chief Election Officer, 32-Harding Road, Patna-800001.
3. The District Magistrate-cum-District Election Officer, Munger.
4. The Assistant Registrar, Co-operative Societies, Bihar, Patna.
5. The Deputy Registrar (Cane) Co-operative Societies, Bihar, Patna.
6. The District Co-operative Officer, Munger.
7. The Block Development Officer-cum-Election Officer, Dharahara Prakhand Matsyajivi Sahyog Samiti Ltd. Dharahara, P.S.-Dharahara, Distt.-Munger.
8. The Block Development Officer-cum-Election Officer, Jamalpur Prakhand Matsyajivi Sahyog Samiti Ltd. Jamalpur, P.S. -Jamalpur, Distt.-Munger.
9. Dharahara Prakhand Matsyajivi Sahyog Samiti Ltd. Dharahara,through its Secretary Pratap Narain Choudhary Son of Late Ramanand Choudhary, Resident of Village-Parham, P.S.-Farda, Distt.-Munger.
10. Jamalpur Prakhand Matsyajivi Sahyog Samiti Ltd. Jamalpur, through its Secretary Lalita Devi Wife of Brahmdeo Mahto, Resident of Village-Jamalpur Khalasi Tola, P.O. and P.S.-Jamalpur, Distt.-Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Mahasweta Chatterjee, Mr. Ram Nibash Prasad and Mr. Samir Kumar Sinha, Advocates
For the State	:	Mr. A. K. Dubey, A.C. to A.A.G. 11
For the Opposite Party/s	:	Mr. Mahesh Narayan Parbat, Sr. Advocate Mr. Shambhu S. N. Singh, Advocate
For the SEC	:	Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 28-06-2017

Heard learned counsel for the parties.



2. The application has been filed for a direction to the District Co-operative Officer, Munger to pass appropriate order with regard to the grievance of the petitioners for adding the names of members, who were not shown in the voter list of the Co-operative Society in question.

3. A counter affidavit has been filed on behalf of the State Election Authority bringing on record the order dated 18.05.2017 by which the District Co-operative Officer, Munger has passed order by which he has directed the Returning Officer to include the name of 495 persons in the voter list of *Jamalpur Prakhand Matsyajivi Sahyog Samiti Ltd.*

4. In view of the aforesaid, the main grievance of the petitioners stand redressed. However, the direction of the District Co-operative Officer has ultimately to be implemented by the Block Development Officer, Jamalpur, who is also the Election Officer for the society in question. The Court only expects that once a competent authority has passed an order, the subordinate authority is required to implement the same and take it to its logical conclusion.

5. Accordingly, the writ petition stands disposed off in view of the order passed by the District Co-operative Officer, Munger dated 18.05.2017.

6. Learned counsel for respondent no. 10 submitted that



the said order has been passed on the basis of forged and fabricated documents. Be that as it may, the same is a separate cause of action required to be raised before the appropriate forum, in accordance with law, by the respondent no. 10 and cannot be gone into in the present proceeding. It is only clarified that this Court has not expressed any opinion on the merits on fact with regard to the case of any party.

(Ahsanuddin Amanullah, J.)

P. Kumar

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