

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6994 of 2017

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1. Ravindra Sahani Son of Sri Kailash Sahni Resident of Village- Gulariya tola, P.O. Basaith, P.S. Benipatti, District- Madhubani.
 2. Aash Narayan Sahni Son of Lakshmi Sahni Resident of Village- Ranipur Matrahari, P.O.- Basaith, P.S. Benipatti, Distt-Madhubani.
 3. Pragas Mukhiya Son of late Thakuri Mukhiya Resident of Village- Uchhaith, P.O. Lorika, P.S. Benipatti, Distt. Madhubani.
 4. Jalsi Devi Wife of Ram Resident of Village and P.O. Kataiya, P.S. Benipatti, Distt- Madhubani.
 5. Prakash Sahni Son of late Sone Sahni Resident of Village- Matrahari, P.O.- Basaith, P.S. Benipatti, Distt-Madhubani.

.... 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 Registrar, Co-operative Societies, Bihar, Patna.
4. The District Magistrate-cum- District Election Officer, Madhubani.
5. The District Co-operative Officer, Madhubani.
6. The Block Development Officer-cum-Election Officer, Benipatti Prakhand Matsyajivi Sahyog Samiti Ltd, Kataiya, P.S. Benipatti, Distt- Madhubani.
7. The Block Co-Operative Extension Officer, Benipatti , P.S.- Benipatti, Distt-Madhubani.
8. Benipatti Prakhand Matsyajivi Sahyog Samiti Ltd. Kataiya through its Secretary Sudhir Sahni Son of Bisheshwar Sahni Resident of Village- Kataiya, P.S.- Benipatti, Distt- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioners	:	Ms. Mahasweta Chatterjee with Mr. Ram Nibhash Prasad, Mr. Samir Kumar Sinha and Mrs. Sarmistha Chatterjee, Advocates
For the State	:	Mr. Syed Md. Najmul Bari, AC to SC 20
For the Election Authority	:	Mr. Mukesh Kumar, Advocate
For the Respondent No. 7	:	Mr. Ranjeet Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT



Date: 28-06-2017

Heard learned counsel for the petitioners; State; State Election Authority and respondent no. 8.

2. The petitioners seek the following reliefs:

“I. That an appropriate writ may be issued commanding upon the Respondent No.- 2 and 6 to include the names of all the valid members of the society in the final voter list whose names find place in the basic Voter list (Adhar Suchi) of the year 2012 on the basis of which the election was held.

II. That an appropriate writ may be issued commanding upon the Respondent No.- 2 to 6 to delete the names from the final voter list who were never admitted as valid members after following due procedure.

III. That an appropriate writ may be issued commanding upon the Respondent No.-2 to 6 to record the name of one voter, in one serial number instead of twice or thrice.

IV. That an appropriate writ may be issued commanding upon the Respondent No. 2, not to conduct the election of the society, Respondent No. -8 till the final disposal of the instant writ application.

V. That an appropriate writ may be issued commanding upon the Respondent No. 6 to publish a fresh voter list after adding the names of valid voters and deleting the name of non members from the voter list published by him.



VI. Any other relief/reliefs for which the petitioners are entitled too.”

3. The issue involved in the present case is as to whether certain persons who figured in the voter list of Benipatti Prakhand Matsyajivi Sahyog Samiti Limited, Kataiya in the year 2012 have been rightly removed from the voter list for the year 2017. The matter is hotly contested between the parties. There are even factual disputes relating to service/issuance of notice, communication of specific allegations and materials before the Managing Committee which claims to have removed them and further the procedure adopted, including taking of evidence, by the Three-Member Enquiry Committee, which is said to have given a report leading to removal of 429 members. The Court has also perused the records produced by respondent no. 8 and is unable to come to a definite conclusion on these issues.

4. At this juncture, it is agreed between the parties that out of 429 persons whosoever is able to show evidence with regard to him having been a valid member by depositing admission fee and share money, shall be included in the voter list for the elections. It has also been brought to the notice of the Court that the elections are scheduled for tomorrow.

5. In view of the aforesaid, the writ petition, on the basis of



consent between the parties, stands disposed off with liberty to all those 429 persons whose names do not figure in the voter list for 2017 but were present in the voter list of 2012 to appear before the respondent no. 6 latest by 7th July, 2017, along with a copy of this order, may be web copy with due attestation by the petitioners, and the respondent no. 6 shall verify the matter and if he comes to a conclusion that there is material to show that the said persons have paid their membership fee and share money, their names shall stand included in the voter list and they shall be allowed to vote. The process shall be completed latest by 7th July, 2017 and the elections scheduled for tomorrow shall now be held, as per the same timing, on 10th July, 2017.

6. Learned counsel for the State and State Election Authority shall inform the respondent no. 6 with regard to the present order.

(Ahsanuddin Amanullah, J)

Anjani/-

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