

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.937 of 2017

1. Gandhinagar Sahkari Grih Nirman Samiti Ltd., Danapur through its Chairman, Ram Bishun Singh, aged about 62 years, son of Late Shiv Lakhan Singh, resident of Choudhrana Road, Danapur, P.S.- Danapur, District- Patna.
2. Ratanpura Sahkari Grih Nirman Samiti Ltd., Chhapra, through its Chairman/Delegate, Shri Dinesh Singh, son of Late Dharikshan Singh, resident of Veer Kunwar Singh Colony, Chhapra, P.S.- Chhapra, District- Saran.
3. Bharat Sadan Sahkari Grih Nirman Samiti Ltd., Patna through its Secretary/Delegate, Shri Rajendra Prasad Singh, resident of C/o Shri Rajeshwar Prasad Gupta, Police Colony, Harnichak, Anisabad, P.S.- Beur, District- Patna.
4. Sanjay Gandhi Sahkari Grih Nirman Samiti Ltd, Patna through its Secretary/Delegate, Shri Sudarshan Mishra, son of Late Ram Yash Mishra, resident of Sanjay Gandhi Nagar, P.O.- Lohiya Nagar, P.S.- Patrakar Nagar, District- Patna.
5. Dhananjay Sankari Grih Nirman Samiti Ltd., Patna through its Chairman/Delegate Shri Madan Mohan Srivastava, son of Late Bina Prasad, resident of Sanjay Gandhi Nagar, Road No.8, Hanuman Nagar, Kankerbagh, P.S.-Patrikar Nagar, District- Patna.
6. Pragati Sheel Adarsh Sahkari Grih Nirman Samiti Ltd., Munger through its Chairman/Delegate Shri Krishna Mohan Prasad Sinha, son of Late Bindeshwari Prasad, resident of Nirmala Bhawan, Shastri Nagar, Road No.4, P.S.- Kasim Bazar, Munger, District- Munger.
7. Sudha Sahkari Grih Nirman Samiti Ltd., Daltenganj, through its Secretary/Delegate, Shri Uday Pratap Singh, son of Late Manoranjan Singh, resident of Gayatri Mandir Road, P.O.- Sudha, P.S.- Daltenganj, District- Daltenganj (Jharkhand).
8. Shree Nav Sahkari Grih Nirman Samiti Ltd., Ranchi through its Chairman/Delegate Shri Brij Ballav Sahay, son of Late Bhavani Sahay, resident of Kake Road, P.S.- Kake Road, District- Ranchi (Jharkhand).
9. Purvee Ashok Nagar Sahkari Grih Nirman Samiti Ltd., Patna through its Secretary/Delegate Shri Surendra Prasad Singh, son of Late Ram Saran Mahto, resident of F/14, Vijay Nagar, P.O.- Lohiya Nagar, P.S.- Kankerbagh, District- Patna.
10. Rajdhani Sahkari Grih Nirman Samiti Ltd., Patna through its Secretary/Delegate Shri Vikash Kumar, son of Late Saryug Prasad Roy, resident of Gosai Tola, P.S.- Patliputra, District- Patna.

... .. Appellant/s

Versus

1. Madhubani Sahkari Grih Nirman Samiti Ltd., Madhubani, through its Chairman, Navendra Jha



2. Navendra Jha, Son of Late Kulanand Jha, Resident of village and P.O. Awari, P.S. Madhwapur, District - Madhubani, Chairman of Madhubani Sahkari Grih Nirman Samiti Ltd., Madhubani
3. Kashipur Sahkari Grih Nirman Samiti Ltd., Samastipur, through its Chairman/Delegate, Ram Kalewar Prasad Singh
4. Ram Kalewar Prasad Singh, Son of Late Ram Yatan Singh, resident of village and P.O. Sultanpur, P.S. Mohiuddinagar, District - Samastipur, Chairman/Delegate of Kashipur Sahkari Grih Nirman Samiti Ltd., Samastipur
5. The Union of India, through the Secretary, Department of Agriculture, Co - operation and Farmers Welfare, Govt. of India, Krishi Bhawan, New Delhi
6. The Central Registrar, Co - Operative Societies, Krishi Bhawan, New Delhi
7. The Bihar State Housing Co - Operative Federation Ltd., Lalit Bhawan, Bailey Road, Patna 800014 through its Managing Director
8. The Administrator, Bihar State Housing Co - Operative Federation Ltd., Patna
9. The Registrar, Co - Operative Societies, Bihar, Vikas Bhawan, New Secretariat, Patna 800001
10. The Bihar State Election Authority, 32 Harding Road, Patna, through its Chief Election officer
11. The Chief Election Officer, Bihar State Election Authority, 32, Harding Road, Patna
12. The Assistant Election Officer, Bihar State Housing Co - Operative Federation Ltd., Lalit Bhawan, Patna
13. The State of Bihar through the Principal Secretary, Department of Co-operative, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhinav Srivastava
For the UOI	:	Mr. S.D.Sanjay, Add. S.G. Mr. Kumar Priya Ranjan, CGC
For Resp. Nos. 1 to 4	:	Mr. Amarendra Kumar Pathak, Advocate
For Resp. Nos. 7 & 8	:	Mr. Purushottam Jha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 14-11-2017 Having heard learned counsel for the parties, we find that the learned writ court has only directed to hold elections to the 44 Primary Housing Co-operative Societies and thereafter to office bearers of the Multi State Co-operative Societies.



It is the grievance of the appellants that out of 44 Primary Housing Co-operative Societies, for which elections have been held, only 16 are Primary Housing Co-operative Societies and the election to the other societies have been illegally held.

If that be so, challenge to the election, which has been illegally held can be made by resorting to the statutory remedy of filing an election petition for the same and invoking the writ jurisdiction of this Court was not called for. Accordingly, granting liberty to the appellants to challenge the election of any of the Primary Housing Co-operative Societies before the competent statutory authority on the ground as are raised in this appeal, we dispose of the appeal, finding no case made out for indulgence. The interim order stands vacated and the competent authority is free to proceed for conducting the elections to the Co-operative Societies in accordance with law.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

