

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4192 of 2017

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1. Badri Nath Singh @ Basuki Nath Singh Son of late Ram Bahadur Singh
 2. Rabhuvansh Prasad Singh Son of Ambika Singh
 3. Jang Bahadur Rai Son of Mosafir Rai
 4. Krishna Singh Son of Raghu Singh
 5. Rubi Devi Wife of Dharmendra Kumar Singh
 6. Meena Devi Wife of Dinesh Prasad Singh
 7. Sheela Devi Wife of Ram Babu Thakur
 8. Shyam Babu Singh Son of late Ramnandan Singh All residents of Village Raghapur West, P.S. Jurawanpur, District- Vaishali.

.... Petitioner/s

Versus

1. Devanand Singh Son of Shri Rameshwar Singh
2. Rameshwar Singh Son of Shaligram Singh
3. Ganinath Singh Son of Yogendra Singh
4. Malti Devi Wife of Akhilesh Singh
5. Neelam Devi Wife of Dewanand Singh
6. Doon Bahadur Singh Son of late Laxmi Singh
7. Kanchan Devi Wife of Pramod Singh
8. Pooja Devi Wife of Shiv Kumar Sah
9. Bilal Sah Son of late Ram Lal Sah
10. Badal Paswan Son of late Halkhu Paswan
11. Md. Zamal Son of Md. Abbas All residents of Village Raghapur West, P.S. Jurawanpur, District- Vaishali.
12. Raghapur West Primary Agricultural Credit Co-operative Society Ltd, P.S. Jurawanpur, District- Vaishali.
13. Election Officer, Primary Agricultural Credit Co-operative Society Ltd. West Raghapur Cum Block Development Officer, Raghapur, District- Vaishali.
14. Shri Binod Kumar Son of not known Election Officer Primary Agricultural Credit Co-operative Society Ltd, Raghapur West Cum Block Development Officer Raghapur, P.S. Jurawanpur, District- Vaishali.
15. Parwati Devi Wife of Raman Rai
16. Upendra Kumar Singh Son of Kedar Singh Respondents no. 15 and 16 residents of Raghapur West, P.S. Jurawanpur, District- Vaishali.
17. Registrar, Co-operative Societies, Bihar, Vikash Bhawan, Patna.
18. Joint Registrar, Co-operative Societies, Tirhut Division, Muzaffarpur, District Muzaffarpur.
19. The Deputy Registrar (Judicial) Co-Operative Societies, Bihar, Vikash Bhawan, Patna.
20. The State of Bihar through Principle Secretary, Co-operative Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Braj Kishore Singh Chouhan, Advocate

For the Respondent No. 1 : Mr. Rakesh Kumar Jha, Advocate

For the State : Mr. GA 3



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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 02-08-2017

Heard learned counsel for the petitioners, State and respondent no. 1.

2. The petitioners have moved the Court for the following reliefs:

“ (i) To quash the order dated 19.1.17/10.02.17 passed in Election Dispute Case no. 347 of 2017.

(ii) To stay the operation of the order dated 19.1.17/10.02.17 (Annexure-1) till the pendency of the hearing of the case.

(iii) To allow the petitioners to function as Office bearers for which they have been elected.

(iv) To grant any other relief or reliefs to which the petitioners are entitled under law.”

3. The matter relates to an election dispute case filed by respondent no. 1 before the respondent no. 8 which, later on, at the behest of petitioner no. 1 was withdrawn by the Registrar to his own Court and decided finally by the order impugned.

4. After some arguments, learned counsel for the petitioners submitted that in view of Section 48 (7) of the Bihar Co-operative Societies Act, 1935 (hereinafter referred to as the ‘Act’), he may be permitted to withdraw the writ application for preferring



a review before the Registrar. He further submitted that the Registrar be directed to hear the matter on merits.

5. Learned counsel for the State and respondent no. 1 agreed to the same.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioners to file an appropriate application for review of the order impugned before the Registrar, Cooperative Societies, Bihar in terms Section 48 (7) of the Act. Since the petitioners had approached this Court within one month of the communication of the order impugned, if a review is filed before the Registrar within one month from today along with a copy of this order, the same shall be heard on merits, in accordance with law, and disposed off expeditiously.

(Ahsanuddin Amanullah, J)

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