

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.718 of 2016**

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Mohan Sah, Son of Late Lakhan Sah, resident of village - Hanuman Nagar, P.O. + Police Station - Beldour, District – Khagaria.

.... .... Petitioner- Appellant

Versus

1. The State of Bihar.
  2. The District Magistrate, Khagaria.
  3. The Joint Registrar, Co - Operative Society, Munger Division District Munger
  4. The District Co - Operative officer, Khagaria.
  5. The Block Development officer - Cum - Returning officer, Beldour, District – Khagaria.
- .... Respondent 1<sup>st</sup> Set.
6. The Bihar State Election Authority, through the Chief Election Officer, Bihar, Patna
- .... .... Respondent 2<sup>nd</sup> Set.
7. The Chairman, Bobil, PACS, Beldour, Khagaria
  8. The Secretary, Bobil, PACS, Beldour, Khagaria
- ... .... Respondent 3<sup>rd</sup> set.
9. Sri Bhupal Bharti Son of Late Saryug Sah resident of village - Hanuman Nagar, Post office + Police Station Beldour, District - Khagaria
- .... .... Respondent 4<sup>th</sup> Set.
- =====

**Appearance :**

For the Appellant/s : Mr. Nagendra Pd. Yadav, Advocate

For the Respondent/s : Mr. M. H. Khan, SC-1

Ms. Babita Kumari, AC to SC-1

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 18-07-2017**

Challenging an order passed by the learned Writ Court dismissing the writ petition of the writ petitioner with regard to challenge to a voter list based on which the election of the Cooperative Society was held, this writ petition has been filed.

Having heard learned counsel for the parties at length and on going through the order dated 15.07.2015 (Annexure-1) available in the record of the Writ Petition, we find that the primary reason which



weighed with the Election Tribunal, namely the Additional Registrar Cooperative Societies, Bihar, Patna in dismissing the election dispute raised by the appellant was that the appellant wanted to declare the election as null and void only with regard to appointment of Chairman/ President to the Cooperative Society based on the voter list, whereas based on the same voter list, the appellant was elected as a member of the Cooperative Society which entitled him to contest for the post of Chairman/President. Finding that the appellant did not challenge the voter list so far as it related to his election as a member and only challenged the voter list for the purpose of its use for the election as the Chairman, the learned Writ Court dismissed the writ petition. In doing so, the Additional Registrar Cooperative Societies, Bihar, Patna and the learned Single Judge have not committed any error warranting reconsideration. The appeal is dismissed.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

Sunil/-

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