

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9378 of 2017

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Birju Mukhia S/o Pulkit Mukhia Resident of Mohalla-Jainagar Basti, P.S. Jainagar,
District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Co-operative 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 Assistant Registrar, Co-operative Societies, Madhubani.
7. The Block Development Officer-cum-Election Officer, Jainagar Prakhanda Matasyajivi Sahyog Samiti Ltd. Jainagar, P.S. Jainagar, District-Madhubani.
8. The Block Co-operative Extension Officer, Jainagar, P.S. Jainagar, District-Madhubani
9. Jainagar Prakhanda Matasyajivi Sahyog Samiti Ltd. Pithwatol, Jainagar, through its secretary Gyanti Devi, W/o Sanjay Kumar Mukhia, resident of Village-Pithwatol. P.S. Dewdha, District-Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. M. Chatterjee, Advocate Mr. Ram Nibash Prasad, Advocate
For the BSEA	:	Mr. Mukesh Kumar, Advocate
For the State	:	Mr. Sushil Kumar-GP-22 Mr. Uday Prasad, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-07-2017

Heard learned counsel for the petitioner, State, State
Election Authority and respondent no. 9.

2. The controversy relates to 307 persons having been initially left out from the voter list prepared in the year 2012 for election to *Jainagar Prakhanda Matasyajivi Sahyog Samiti Ltd. Pithwatol, Jainagar* in the district of Madhubani. It transpires that



pursuant to that 179 persons, out of 307, have been included in the voter list and their names find place in the voter list but the remaining 128 still have not been added in the voter list.

3. Learned counsel for the petitioner contended that the initial deletion of 307 members was itself not in accordance with law for it has to be presumed that they were valid members in the year 2012 and subsequent to that their removal could only have been done in terms of the statutory provisions of issuing individual notices, and without the same, the voter list for the 2017 elections had to include all the names.

4. However, after some arguments, in view of the fact that the elections scheduled for tomorrow are not going to be held as all the positions have been declared filled up unopposed, learned counsel submitted that he be permitted to avail of the statutory remedy of filing election petition before the competent forum.

5. Learned counsel for the respondents do not object.

6. In view thereof, the writ petition stands disposed off as withdrawn with liberty to the petitioner to file election petition before the appropriate forum in accordance with law. Upon the same being done, the Court/Authority concerned shall hear the election petition and dispose off the same in accordance with law without being prejudiced by the fact that the present writ application has been



withdrawn. It shall be open to the parties to lead evidence and argue all points available to them before such Court/Authority, which shall be considered and thereupon final judgment passed.

(Ahsanuddin Amanullah, J)

P. Kumar

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