

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6850 of 2017

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1. Upendra Mukhiya, S/o Late Beeje Mukhiya, R/o Village- Chandi Rajwara, P.S.- Bela, District- Sitamarhi.
 2. Indal Mukhiya, S/o Jaldhari Mukhiya, R/o Village- Bathuara, P.S.- Bela, Distt- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Cooperative Department, Bihar.
2. Chief Election Officer, Bihar State Election Authority, Harding Road, Patna-1.
3. The District Magistrate cum District Election Officer, Sitamarhi.
4. The District Cooperative Officer, Sitamarhi.
5. Election Officer-cum-Block Development Officer, Parihar, Sitamarhi.
6. Thaga Sahani, Secretary of Parihar Prakhand Matasyajeevi Sahayog Samiti Ltd. R/o Village- Laxmipur, P.S.- Bela, District- Sitamarhi.
7. Bandhan Devi, W/o Naresh Mukhiya, resident of Village- Khairwa, P.S.- Bela, Distt- Sitamarhi.
8. Akhilesh Mukhiya, S/o Ram Ekbal Mukhiya, R/o Village- Malahi, P.S.- Bela, District- Sitamarhi.
9. Kirti Narayan Sahani, Son of Shri Thaga Sahani, resident of Village- Laxmipur, P.S.- Bela, District- Sitamarhi.
10. Naresh Mukhiya, S/o Shreechand Mukhiya, both serial no.7 and 8 are resident of Village- Khairwa, P.S.- Bela, District- Sitamarhi.
11. Upendra Sahani, S/o Hajari Sahani, resident of Village- Dhamitol, P.S.- Parihar, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mahasweta Chatterjee, Advocate
For the Respondent No. 6	:	Mr. Pashupati Prasad Sinha and Mr. Deepak Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-06-2017

Heard learned counsel for the petitioners; State; State
Election Authority and respondent no. 6.

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

*“(i) That an appropriate writ may be issued
quashing the order dated 14.07.2015/30.11.2015
communicated vide memo no. 1067 dated 30.11.2015*



passed in Membership dispute no. 8/2015 by the respondent no. 4, District Cooperative Officer, Sitamarhi as contained in Annexure-01 where by and where under he has deleted the names of 1217 members mentioned in serial nos. 3001 to 4218 of the Voter list of the year 2012 of the respondent society.

(ii) That an appropriate writ in the nature of the Mandamus be issued commanding upon the respondent authorities to add the names of those 1217 valid members in the final voter list prepared for conducting the coming election of the society in the year 2017.

(iii) That any other order/orders, writ/writs, direction/directions may be issued for which the petitioners are found entitled to.”

3. Basically the grievance of the petitioners is that in the voter list prepared of Parihar Prakhanda Matyasjivi Sahakari Samiti Ltd. in the year 2012, the total number of voters was 4218 whereas in the provisional list published by the State Election Commission for the ensuing election in the year 2017, names of 1217 members had been deleted.

4. Learned counsel for the petitioners submitted that they were deleted without the due procedure prescribed and even without giving the basic opportunity of being heard as they were neither party nor noticed. The said fact is contested by the private respondent.

5. Learned counsel for the State has taken a categorical stand that it was under the order of the respondent no. 4 that such



deletion was allowed but the same was without notice to the members whose names were deleted.

6. After some arguments, the parties came to a consensus and took a unified stand that all those persons, out of the 1217, whose names have been deleted in the voter list in the year 2017, shall be included in the membership list as well as the voter list upon them showing evidence of them having become members after depositing the requisite amount i.e., admission fee and share money.

7. In view thereof, the writ petition stands disposed off with liberty to the said 1217 members, whose names do not figure in the voter list for the 2017 election compared to that of the voter list in the year 2012, to appear before the respondent no. 4, along with supporting materials to show that they are members after having deposited the admission fee and share money. The same be done within two weeks from today. The persons, who are able to satisfy the respondent no. 4 that they are valid members, their names shall be included in the voter list and they shall be allowed to take part in the election to be held thereafter. In such background, the date of filing nomination which is ending on 1st July, 2017, stands extended to 17th July, 2017. The election shall thereafter proceed in accordance with law under the supervision and guidance of the State Election Authority.



8. The Court records that the order has been passed with consent of the parties.

9. The Court would further like to observe that it has not expressed any opinion on the merits of the matter.

10. Learned counsel for the State shall communicate the order to the respondent no. 4 for compliance. The petitioners shall also serve a copy of this order on respondent no. 4 latest by 28th June, 2017.

(Ahsanuddin Amanullah, J.)

P. Kumar

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