

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7259 of 2017

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Dinesh Prasad Bind, Son of Late Bhujal Prasad, resident of Village- Nakti Sarai,
P.O. Rasisa, P.S.- Aungari, Distt.- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative 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, Nalanda at Biharsharif.
5. The District Co-operative Officer, Nalanda at Biharsharif.
6. The Block Development Officer-cum-Election Officer, Ekangarsarai Prakhand Matsyajivi Sahyog Samiti Ltd., P.S. Ekangarsarai, Distt.- Nalanda.
7. Ekangarsarai Prakhand Matsyajivi Sahyog Samiti Ltd. through its Secretary Janardan Prasad, Son of Late Lakhan Prasad, Resident of Village- Kundwa Pokhar, P.O.- Dhurgaon, P.S.- Ekangarsarai, Distt.- Nalanda at Biharsharif.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.
For the State	:	Mr. Chitranjan Sinha, P.A.A.G. 2 Mr. Sudish Kumar, A.C. to P.A.A.G. 2
For the Respondent No. 7	:	Mr. Mukesh Kumar and Mr. Sanjay Prasad, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 28-06-2017

Heard learned counsel for the petitioner, State and the
State Election Commission.

2. The petitioner is aggrieved by non inclusion of his name in the voter list of the year 2017 for election to *Ekangarsarai Prakhand Matsyajivi Sahoyog Samiti Ltd.*, though the same was there in the voter list for the election held in the year 2012.

3. In view of the materials on record, but not giving a



finding with regard to the merits of the matter, the Court deems it appropriate to give one more opportunity to the petitioner to show to the authority concerned that he is a *bona fide* member of the Society and his name requires to be added in the voter list.

4. Accordingly, the writ petition stands disposed off with liberty to the petitioner to appear before the respondent no. 6 tomorrow, along with a copy of this order, may be web copy duly attested by it, during the time fixed for voting, along with the required evidence i.e., the receipt showing deposit of membership fee and share money, who shall take note of the same and if it is found that the petitioner is a genuine member and his name figured in the 2012 voter list, he shall be allowed to cast his vote and the voter list shall stand modified to such extent.

5. It is clarified that it is immaterial as to in which year the petitioner became a member as the membership continues till the time a person either resigns, dies or is removed. Thus, it is of no consequence as to in which year he became member after depositing the membership and share money.

(Ahsanuddin Amanullah, J.)

P. Kumar

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