

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12218 of 2017

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1. Arvind Kumar Mishir son of Late Banshidhar Mishir resident of village Amas, P.S. Amas, District Gaya.
2. Birendra Yadav son of Late Chander Yadav resident of village Paharpur, P.S. Amas, Distt - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Government of Bihar, Patna.
2. Registrar Co-operative Societies, Bihar, Patna.
3. The District Co-operative Officer, Gaya.
4. The Block Development Officer, Block Amas, Dist. Gaya.
5. The Bihar State Election Authority Patna through Chief Election Officer, Bihar State Election Authority, Patna.
6. The Amas Vyapar Mandal, Co-operative Society Limited through as Chairman Vyapar Mandal Amas, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav, Advocate
For the State : Mr. Sushil Kumar, GP 22
For the Election Authority : Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 31-08-2017

Heard learned counsel for the petitioners, State and State
Election Authority.

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

*“That this is an application for issuance of
appropriate writ (s)/direction to the respondents
to add the include the names of 185 (one
hundred eighty five) persons including*



petitioners voter in the voter list of Amas Vyapar Mandal Cooperative Society in Block Amas in the Dist. Of Gaya so that they may cast their votes in coming election of said co-operative society.

And/or any others appropriate relief (s) to the petitioners and their associates for which they may be found entitled to in the eye of law.”

3. At the very outset, learned counsel for the State Election Authority submitted that the grievance of the petitioners of not being made members of the *Vyapar Mandal* is erroneous in view of provisions of Rule 12A of the Bihar Co-operative Societies Rules, 1959, which has come into effect from the date of publication in the official gazette i.e., 26.11.2008 and the application by the petitioners and others being in the year 2012.

4. Faced with the situation, learned counsel for the petitioners submitted that the writ petition be disposed off with liberty to the petitioners and other similarly situated persons to move before the appropriate forum, in accordance with law, for redressal of their grievance.

5. Learned counsel for the respondents do not object.

6. In view thereof, the writ petition stands disposed off with liberty aforesaid.



7. It goes without saying that if the petitioners move before the appropriate forum in accordance with law, the same shall be considered on its own merits without being prejudiced by the disposal of the present writ application.

(Ahsanuddin Amanullah, J)

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