

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.936 of 2016

IN

Civil Writ Jurisdiction Case No. 19054 of 2015

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Lal Babu Singh S/o Shyamdeo Singh Resident of Village- Chella, P.S. Sandesh
District Bhojpur.

.... Appellant

Versus

1. The State of Bihar
2. Registrar, Co-operative Societies, Bihar, Patna.
3. Deputy Registrar, Co-operative Societies, Patna Division, Patna.
4. The Bihar Election Authority through Chief Election Officer, Bihar State,
Harding Road, Patna.
5. Election Officer - cum - Block Development Officer, Sandesh, District -
Bhojpur.
6. Ramniwas Singh S/o Chandrama Singh Resident of Village - Kori, P.O. - Kori,
P.S. - Sandesh, District - Bhojpur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Mritunjay Prasad Singh, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-03-2017

An election petition filed by the petitioner under the Bihar
Co-operative Societies Act was dismissed by the Election Tribunal
and the dismissal has been upheld by the learned Writ Court by
recording the following reasons:-

- (a) An election cannot be questioned on the anvil of
irregularity in the voter list simplicitor ;
- (b) Until such time that the petitioner is able to establish



that the ineligible voters have contributed to the success of the returned candidate, no such election case is maintainable; and

(c) There is complete absence of pleadings regarding ineligible voters having contributed to the success of the Chairman or the members of the Managing Committee.

It is taking note of the absence of pleading and evidence on record that the election case was dismissed.

Finding no infirmity in the opinions expressed by the prescribed authority to interfere with the same, the writ petition is disposed of.

Having heard learned counsel for the parties, we find no error in the order passed by the learned Writ Court as detailed hereinabove warranting re-consideration in this appeal.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
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