

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1329 of 2017

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1. Madhubani Sahkari Grih Nirman Samiti Ltd., Madhubani, through its Chairman, Navendra Jha.
 2. Navendra Jha, Son of Late Kulanand Jha, Resident of village and P.O. Awari, P.S. Madhwapur, District - Madhubani, Chairman of Madhubani Sahkari Grih Nirman Samiti Ltd., Madhubani.
 3. Kashipur Sahkari Grih Nirman Samiti Ltd., Samastipur, through its Chairman/Delegate, Ram Kalewar Prasad Singh.
 4. Ram Kalewar Prasad Singh, Son of Late Ram Yatan Singh, resident of village and P.O. Sultanpur, P.S. Mohiuddinagar, District - Samastipur, Chairman/Delegate of Kashipur Sahkari Grih Nirman Samiti Ltd., Samastipur.

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Department of Agriculture, Co-operation and Farmers Welfare, Govt. of India, Krishi Bhawan, New Delhi.
2. The Central Registrar, Co-operative Societies, Krishi Bhawan, New Delhi.
3. The Bihar State Housing Co-operative Federation Ltd., Lalit Bhawan, Bailey Road, Patna 800014 through its Managing Director.
4. The Administrator, Bihar State Housing Co-operative Federation Ltd., Patna.
5. The Registrar, Co-operative Societies, Bihar, Vikas Bhawan, New Secretariat, Patna 800001.
6. The Bihar State Election Authority, 32 Harding Road, Patna, through its Chief Election Officer.
7. The Chief Election Officer, Bihar State Election Authority, 32, Harding Road, Patna.
8. The Assistant Election Officer, Bihar State Housing Co-operative Federation Ltd., Lalit Bhawan, Patna.
9. The State of Bihar through the Principal Secretary, Department of Co-operative, Bihar, Patna.

.... Respondent/s

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With

Civil Writ Jurisdiction Case No. 4482 of 2017

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1. Chandra Kumar Singh S/o Late Hargovind Singh R/o Lohiya Nagar, P.S.-Suhird Nagar, District-Begusarai (Secretary of Subhash Nagar Sahkari Grih Nirman Samiti Ltd., Begusarai).
2. Gopal Das S/o Late Kedar Dash R/o Bisanupur, Bhagwati Asthan tola, P.O.- Mirjapur Bandwar, District- Begusarai (Secretary of Bisnupur, Pragatishil Grih Nirman Samiti Ltd, Begusarai).
3. Manish Kumar S/o Krishna Kumar Singh, R/o Village- Lohiya Nagar P.O.-Suhird Nagar, District-Begusarai, (Secretary of Swami Sahja Nand Sarswati, Sahkari Grih Nirman Samiti Ltd, Begusarai).
4. Devendra Prasad Singh S/o Late Nand Kishore Prasad, R/o Mohalla- Lohiya Nagar P.O.-Suhird Nagar, District-Begusarai, (Secretary of Lohiya Nagar Sahkari Grih Nirman Samiti Ltd., Begusarai).
5. Sadan Kumar Sinha S/o Lalita Prasad Sinha R/o Village- Paparur P.O.-Paparur, District-Begusarai.
6. Ambika Choudhary S/o Late Ramsarup Prasad Choudhary R/o Village-Rampur, P.O.- Bakhari, District-Begusarai.
7. Jawahar Singh S/o Late Prabhu Narayan Singh R/o Village- Gangrao, P.O.-Bakhari, District-Begusarai.
8. Saligram Singh S/o Late Kamleshwar Singh R/o Satish Path, Ashok Nagar, District-Begusarai, (Secretary Pokhariya Grih Nirman Sah Samiti Ltd., Begusarai).
9. Sanjay Kumar S/o Shri Basisth Narayan Roy R/o Mohalla- Lohiya Nagar P.O.-Suhird Nagar, District-Begusarai, (Secretary of Gandhi Sahkari Grih Nirman Samiti Ltd., Begusarai).

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Agriculture, Co-operation and Farmers Welfare, Government of India, Krishi Bhawan, New Delhi.
2. The Central Registrar, Co-operative Societies, Krishi Bhawan, New Delhi.
3. The Bihar State Housing Co-operative Federation Ltd, Lalit Bhawan, Bailey Road, Patna- 800014 through its Managing Director.
4. The Administration, Bihar State Housing Co-operative Federation Ltd, Patna.
5. The Registrar, Co-operative Societies, Bihar, Vikash Bhawan, New Secretariat, Patna- 800001.
6. The Bihar State Election Authority, 32 Harding Road, Patna, through its Chief Election Officer.



- 7. The Chief Election Officer, Bihar State Election Authority, 32, Harding Road, Patna.
- 8. The Assistant Election Officer, Bihar State Housing Co-operative Federation Ltd, Lalit Bhawan, Patna.

.... Respondent/s
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Appearance :
For the Petitioners : Mr. Y. V. Giri, Sr. Advocate with
Mr. Ishwari Singh, Advocate
For the UOI : Mr. S. D. Sanjay, Addl. S.G. with
Mr. Kumar Priya Ranjan, CGC
For the Election Authority : Mr. Mukesh Kumar, Advocate
For the State : Mr. Niraj Kumar Sinha, AC to PAAG-2
For the Federation : Mr. Purushottam Jha with
Mr. Vikash Kumar Jha, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 13-04-2017

Heard Mr. Y. V. Giri, learned senior counsel, assisted by Mr. Ishwari Singh, learned counsel for the petitioners in C.W. J.C. No. 1329 of 2017 and Mr. Rakesh Kumar, learned counsel for the petitioners in C.W.J.C. No. 4482 of 2017, Mr. S.D. Sanjay, learned Additional Solicitor General assisted by Mr. Kumar Priya Ranjan, learned counsel for the Union of India and its authorities, learned counsel for the State, learned counsel for the Bihar State Housing Co-operative Federation Limited and learned counsel for the State Election Authority.

2. The prayer of the writ petitioners was that the election of the Bihar State Housing Co-operative Federation Limited be held only



after the constitution of all the full electorate of Primary Housing Co-operative Societies, at least for the State of Bihar. Pursuant to the exercise undertaken under various orders of the Court, today the Court has been informed that the elections in majority which are in existence have been held, some are under liquidation and with regard to 44, the process for holding election has already been initiated.

3. In view of the aforesaid, learned counsel for the petitioners submitted that the writ petition is not required to be kept pending and the same be disposed off as the matter has been set in motion for ultimate election of the Apex Body, i.e., the Bihar State Housing Co-operative Federation Limited.

4. Learned counsel for the State Election Authority submitted that under letter no. 186 dated 17.03.2017 steps have been set in motion for holding elections of the remaining 44 Primary Housing Co-operative Societies.

5. On a query of the Court as to the likely time by which the election would be completed to these 44 Primary Housing Co-operative Societies, the answer is that it will take about 3-4 months.

6. In view of the aforesaid, writ petitions stand disposed off with a direction to the State Election Authority to ensure that the process of holding election to the remaining 44 Primary Housing Co-operative Societies is completed by 31st August, 2017 positively. The



Court would indicate that it has given much more time than what was prayed for by learned counsel for the State Election Authority and, thus, it is expected that the time schedule shall be strictly adhered to by all the authorities concerned for holding such election. Thereafter, the Returning Officer for election of the Bihar State Housing Co-operative Federation Limited, shall do the needful within two months but, in any case the exercise has to be completed by 31st October, 2017. The Court makes it clear that the elections of the Primary Housing Co-operative Societies, for the present case, would be restricted to those Societies whose names find place in the list of 44, as contained in letter no. 186 dated 17.03.2017 of the State Election Authority.

7. In view of the discussions made hereinabove, all previous orders passed in these cases stand merged with the present order.

(Ahsanuddin Amanullah, J)

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