

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7470 of 2017

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1. Nautan Prakhand Fishermen Co-operative Society Limited, District West Champaran.
 2. Sushil Choudhary, Son of Shri Kashi Choudhary, Secretary Nautan Prakhand Fishermen Co-operative Society Limited, resident of Village Purandarpur, Police Station Nautan, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Election Officer, Bihar State Election Authority, Bihar, Patna.
3. The District Magistrate-cum-District Election Officer, District West Champaran.
4. The District Co-operative Officer-cum-District Deputy Election Officer, District West Champaran .
5. The Block Development Officer-cum-Election Officer, Nautan Prakhand Fishermen Co-operative Society Limited, District West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Ms. Mahasweta Chatterjee, Advocate Mr. Ram Niwas Pd., Advocate
For the State	: Mr. Tripurari Nath Ambastha, AC to SC-26
For the State Election Authority	: Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-07-2017

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

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

“(i) That an appropriate writ may be issued commanding upon the respondent-authorities to conduct the election of Nautan Prakhand Fishermen Co-operative Societies Limited in the year 2017 on the basis of the list submitted under seal and signature of the society as contemplated under rule 21(i) of the Bihar Cooperative Societies Rules, 1959 to the



District cooperative Officer who after due scrutiny forwarded the list of 1106 member to the elected Secretary, Noutan;

(ii) Any other relief or reliefs be granted to the petitioner as he is legally entitled in the facts and circumstances of the case.”

3. The moot question in the present writ application is as to whether the list supplied by the petitioners with regard to members who were required to be made voters for the election to the society in question in 2017 have been included/excluded ultimately in the final list published.

4. The petitioners claim that after the 2012 election in which a particular voter list was there, persons have been found to be ineligible for membership and accordingly removed and further persons have been made members which has been after following the due procedure prescribed in law and thereafter in terms of the guideline of the State Election Authority under letter No. 17 dated 13.01.2017, such inclusion/exclusion has been ratified in the meeting of the Managing Committee held on 11.02.2017 in the presence of the representative of the Block Development Officer, but still such names have not been reflected in the final voter list published.

5. From the counter affidavit filed on behalf of the State and submissions made by learned counsel for the State and the State Election Commission, the Secretary i.e., the petitioner no. 1 was



required to forward the list to the District Co-operative Officer latest by 01.04.2017. It is their categorical stand that no such list was ever forwarded. For such purpose, the original records have also been produced before this Court. It was submitted that under such circumstances, in terms of the guidelines of the State Election Authority dated 13.01.2017, the voter list of the year 2012 was to be the base for the election in the year 2017 and accordingly such voter list was forwarded by the District Co-operative Officer to the Block Development Officer for necessary follow up action. It was submitted that the Block Development Officer has been fair and impartial in his approach, inasmuch as, he has permitted members to come before him after filing objection and upon verification, the name of 591 members have been included in the voter list and with regard to one, modification has also been allowed and it is his categorical stand that no other person ever objected. It was further contended that such objection had to be filed in a particular proforma i.e., M-3/M-4 but only 592 persons had done so which has accordingly been acted upon.

6. Having considered the matter, the Court finds that since the formalities required and the time specified for completing such formalities do not appear to have been adhered to by the petitioners in the present writ petition, the Court is unable to pass any



positive order. However, the Court would only observe that the Block Development Officer, after hearing the objections having allowed the names of 591 persons to be included and in the case of one person allowing modification, the requirement of law stands satisfied. If other members, who are said to have been left out do not choose to object or no objection is filed on their behalf by any person in the required proforma, they cannot claim any relief as there is laches on their part.

7. For the reasons aforesaid, the Court does not find any reason to interfere in the matter and accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

P. Kumar

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