

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 10649 of 2017**

**Along with**  
**Interlocutory Application No. 5817 of 2017**

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Amarjeet Kumar, Son of Late Krishna Kumar Azad, resident of Village- Barauni-3,  
Post- Barauni Devadhi, Police Station- Teghara, District- Begusarai.

.... .... Petitioner/s

Versus

1. The Bihar State Election Authority through its Secretary, 32, Harding Road, Patna- 800001.
2. The State of Bihar through the Registrar, Cooperative Societies, Govt. of Bihar, Patna.
3. The District Magistrate cum District Returning Officer (Cooperative Societies), Begusarai.
4. The Sub Divisional Officer, Sadar, District- Begusarai.
5. The District Cooperative Officer, Begusarai.
6. The Block Development Officer-cum-Returning Officer, Teghara, District- Begusarai.
7. The Block Development Officer-cum-Returning Officer, Barauni, District- Begusarai.
8. The Barauni Cooperative Cold Storage Limited through its Managar, Barauni, District- Begusarai.

.... .... Respondent/s

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**Appearance :**

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|--------------------------|---|----------------------------------------------------|
| For the Petitioner/s     | : | Mr. Chakrapani and<br>Mr. Vijay Vatsyan, Advocates |
| For the Respondent No. 8 | : | Mr. Kaushalesh Choubey, Advocate                   |
| For the State            | : | Mr. U. S. S. Singh, G.P. 19                        |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 18-08-2017**

Heard learned counsel for the petitioner; State; State

Election Authority and the respondent no. 8.

2. The petitioner has moved the Court for the following

reliefs:

*“(i) For issuance of an order, direction or writ in the nature of Certiorari quashing the letter no. 595, dated 07.07.2017, so far it relates to the petitioner’s societies concerned (whose name figures at Serial No. 22) issued under the signature of Chief*



*Election Officer, by which a direction has been issued to the respondents concerned, for publication of voter list/share holders list for the purposes of holding the election of the Barauni Cooperative Cold Storage Limited.*

*(ii) For issuance of an order, direction or writ in the nature of Mandamus commanding the respondent authorities to publish the list of voter list/share holders list after considering the objections raised by the petitioner right from the year 2003 to till date.*

*(iii) For granting any other relief or reliefs to which the petitioner may be found entitled to in the facts and circumstances of this case.”*

3. In sum and substance, the issue is with regard to the objections being filed relating to the draft publication of the voter list of Barauni Cooperative Cold Storage Limited by the respondent no. 6. Though the last date of filing objection was 31.07.2017, but in view of the respondent no. 6 not entertaining the objection filed by the petitioner, he had sent the same under registered post on 31.07.2017 itself. Copy of the registered receipt is part of Annexure-1 to the Interlocutory Application No. 5817 of 2017.

4. Learned counsel for the petitioner submitted that apparently the voter list is totally erroneous for the reason that it is a repetition of the voter list of the year 2003 and 2012 and thus, it cannot be believed that even after 14 years, the voter list will consist of the very same persons. Learned counsel submitted that though the challenge to the earlier voter list is still pending before the



respondent no. 2 in Review Case No. 59 of 2016, but with regard to the present case also, when an objection has been filed on 31.07.2017, the publication of the final voter list on 08.08.2017 is improper as the same has been done without considering the objection. It was submitted that for impugning the final voter list dated 08.08.2017, Interlocutory Application No. 5817 of 2017 has been filed.

5. In view of the fact that the said relief is in continuation to the relief sought for in the main writ application, the Interlocutory Application stands allowed. The challenge to the final voter list of the concerned Society dated 08.08.2017 shall be treated as part of the reliefs claimed in the writ application.

6. Learned counsel for the respondent no. 8 raises a preliminary objection that once the review petition is pending before the respondent no. 2, the present application is not maintainable.

7. Learned counsel for the State Election Authority submitted that as they had fixed a particular date for considering the objection, if any is filed, the same has to be considered before publication of the final voter list.

8. Learned counsel for the State submitted that final voter list has been published.

9. Having considered the matter, in the opinion of the



Court, once objection has been filed within the time limit, though through registered post, the same was obliged to be considered by the competent authority before publication of the final voter list. This not having been done, the publication of the final voter list dated 08.08.2017, copy of which is Annexure-2 to the Interlocutory Application, stands quashed. The respondent no. 6 shall be obliged to consider the objection filed by the petitioner, copy of which is Annexure-1 to the Interlocutory Application, after giving due opportunity to the petitioner and all persons concerned, in accordance with law, within two weeks from today. Let the petitioner serve a copy of this order on the respondent no. 6 by 22<sup>nd</sup> August, 2017.

10. The writ application stands allowed in the aforementioned terms.

11. Depending on the final voter list, the date of nomination shall stand extended to 15<sup>th</sup> September, 2017.

12. The Court has been informed that the last date of nomination has been fixed for 5<sup>th</sup> September, 2017 and the election has been fixed for 15<sup>th</sup> September, 2017. In view of the fact that the time for final disposal of the objection and publication of the voter list having been fixed for 1<sup>st</sup> September, 2017, the Court deems it appropriate to extend the last date of filing nomination to 8<sup>th</sup>



September, 2017, but the date of election shall remain 15<sup>th</sup> September, 2017.

13. Learned counsel for the State Election Authority is agreeable to the same.

14. Accordingly, the schedule of the election also stands modified to the aforementioned extent. It is clarified that the present order and the schedule fixed by the Court is only with relation to the present Society. It further goes without saying that all the parties concerned, including the Society in question, shall be at liberty to place materials in support of their respective case before the respondent no. 6, who shall consider it at the time of deciding the objection(s).

**(Ahsanuddin Amanullah, J.)**

P. Kumar

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