

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5713 of 2017

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Anil Singh, Son of Late Kesho Singh, resident of village - Maphi, P.S. + Block - Warsaliganj, District - Nawadah, Chairman of Warsaliganj Nagar Panchayat (PACS), Block - Warsaliganj, District - Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Cooperative, Govt. of Bihar, Patna.
2. The Registrar, Co-Operative Societies, Bihar, Patna.
3. The Joint Registrar, Cooperative Societies, Bihar, Patna.
4. The District Cooperative Officer, Nawadah.
5. The District Magistrate-cum-District Election Officer (Cooperative Societies), Nawadah.
6. The Circle Officer-cum-Returning Officer, Warsaliganj Nagar Panchayat Cooperative Societies (PACS), Warsaliganj, District - Nawadah.
7. Upendra Singh Son of Satyanarayan Singh, resident of village - Maphi, P.S. + Block - Warsaliganj, District - Nawadah.
8. Ranjit Kumar Son of Late Kapildeo Singh, resident of village - Maphi, P.S. + Block - Warsaliganj, District - Nawadah.
9. The Bihar State Election Authority, Harding Road, Patna through its Chief Election Officer.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-08-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following reliefs:

“i) A writ in the nature of certiorari setting aside the order contained in Memo No. 1665 dated 16.02.2017 passed in Election Case No. 132/2016 by learned Joint Registrar (Marketing) Cooperative Societies, Bihar, Patna as contained in Annexure-6 whereby and whereunder the election case filed on behalf of Private Respondent No. 8 assailing the election of present petitioner as elected



Chairman of Warsaliganj Nagar Parishad (PACS) has illegally been allowed without issuing notice to the petitioner from the level of Respondent Joint Registrar and without hearing him and misconstruing the factual aspect as well as legal proposition has cancelled the election of petitioner in gross violation of principle of Natural Justice.

ii) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of this case.”

3. In view of the fact that the election was held in the year 2012 and after five years the term of the PACS in question is almost over as the elections were held on 2nd September, 2012, the challenge to the order passed relating to such election when the term of the body itself has expired, in the opinion of the Court, does not require to be gone into only for academic purposes, moreso when no serious issues are involved.

4. In view thereof, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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