

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14853 of 2016

=====

Md. Salim S/o Late Dil Mohammad R/o Village- Satan Patti, P.O.- Lalman Patti,
P.S.- Ratanpura, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Registrar Cooperative Societies, Government of Bihar, Patna.
2. The Registrar, Cooperative Societies, Government of Bihar, Patna.
3. The Joint Registrar, Cooperative Societies, Koshi Division, Saharsa.
4. The Bihar State Election Authority, Bihar through the Chief Election Officer, Harding Road, Patna.
5. The Returning Officer-cum-Block Development Officer, Satan Patti PACS, Basantpur Block, Supaul.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Girijish Kumar, Advocate

For the State : Mr. Sushil Kumar, GP-22

For the Election Authority : Mr. Mukesh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 25-07-2017

Heard learned counsel for the petitioner and the Bihar
State Election Authority.

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

*“ (i) For directing the respondent no. 5 to comply
the order/direction dated 03.05.16 passed by the
Election Tribunal i.e., the Court of Joint
Registrar, Cooperative Societies, Koshi Division,
Saharsa in Election Case no. 257 of 2014 issued*



vide memo no. 173 dated 04.05.2016.

(ii) For issuance of writ in the nature of mandamus and may direct the respondent no. 5 to recount all the ballot paper of the counting held on 07.11.2014 for the post of Chairman from Satan Patti PACS, Basantpur Block, Supaul and declared the result accordingly.

(iii) Pass any order or orders which your lordship may deem fit and proper in the present set of facts and circumstances.”

3. Learned counsel for the Bihar State Election Authority, at the very outset, submitted that the order of which the petitioner seeks implementation in the present writ, was the subject matter of C.W.J.C. No. 9803 of 2016 (Niranjan Kumar Sah Vs. Bihar State Election Authority and Ors.) and by order dated 04.07.2016, the same has been stayed.

4. The aforesaid position is not disputed by learned counsel for the petitioner.

5. In view of the fact that in C.W.J.C. No. 9803 of 2016 the petitioner is already the respondent no. 3 and notices have been issued to him, the Court does not deem it appropriate to keep the present writ petition pending for the reason that the relief seeking implementation of an order which has been stayed by a co-ordinate



Bench two months prior of filing of the present writ petition is not maintainable.

6. Accordingly, the writ petition stands disposed off.

7. However, it shall be open for the petitioner to contest C.W.J.C. No. 9803 of 2016.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	
U	

