

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1396 of 2017

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Sri Umesh Kumar Verma, son of Sri Jethan Mahto, R/o- Vill.- Sri Ram Bigha,
P.O.+P.S.- Gurua, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Government of Bihar, Patna
2. The Principal Secretary, Co-operative Department, Government of Bihar, Patna
3. The Registrar, Co-operative Societies Societies, Government of Bihar, Patna
4. The Bihar State Election Authority, 32 Harding Road, Patna, through the Secretary
5. The Secretary, Bihar State Election Authority, 32 Harding Road, Patna
6. The District Magistrate-cum-District Election Officer (Co-operative), Gaya, District- Gaya
7. The District Co-operative Officer, Gaya, District- Gaya
8. The Block Co-operative Officer, Gurua Block, District- Gaya
9. Block Development Officer, Gurua, District- Gaya (Respondent No. 1 to 8 & 10)
10. Jagdish Yadav, S/o- Late Bandhu Yadav, R/o- Vill- Salpura, P.O.+P.S.- Gaya, District- Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Surendra Kumar Mishra, Advocate
For the Respondent/s	:	Mr. S.B.K. Manglam, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-11-2017

Seeking exception to an order passed by the learned Writ Court on 06.09.2017 in C.W.J.C. No. 12554 of 2017 directing the Block Development Officer, Gurua, Gaya to look into a report submitted by the Joint Registrar, Cooperative Societies, Magadh Division, Gaya in the matter of correction of



voter-list for election to be held to the Cooperative Society in question, this appeal has been filed by the appellant herein.

Respondent Jagdish Yadav invoked the writ jurisdiction of this Court and sought quashing of voter-list dated 21.07.2017 published by the District Cooperative Officer and the Block Cooperative Officer for holding election to the Managing Committee of Gurua Vyapar Mandal.

It was the case of the respondents that 433 voters have been deleted from the voter-list who were qualified voters in the last election held in the year 2012 and now for the election to be held in 2017 their names have been deleted and 163 new members have been inducted.

Be it as it may be, the challenge was made and during the pendency of the writ petition it was pointed out that a report has been submitted by the Joint Registrar, Magadh Division on 04.09.2017 wherein certain contentions of the petitioner were found to be correct. Accordingly, the Returning Officer, Respondent No. 10 was directed to correct the voter-list.

Having heard learned counsel for the parties, we find that the programme for election and the programme for finalization of voter-list was already published, as is evident



from the communication made by the Bihar State Election Authority vide Annexure-A on 13.07.2017 wherein after considering all objections the final voter-list was to be published on 10.08.2017 and once the election process which commences with preparation of the voter-list was set into motion, it was not appropriate for the learned Writ Court to make any indulgence into the matter. It is a well settled principle of law that once the process of election has been initiated, the Writ Court should not interfere into the matter and leave it to the aggrieved persons to work out their claims in accordance to the statutory remedy available for challenging the election. In this regard, reference may be made to a judgment in the case of **Harnek Singh Vs. Charanjit Singh and others- (2005) 8 SCC 383** wherein the jurisdiction invoked for interfering with an election in a petition under Article 226 of the Constitution has been deprecated by the Supreme Court.

Keeping in view the aforesaid, we are of the considered view that once the process of election for preparation of voter-list had commenced, the learned Writ Court should have left it to the election authorities to look into the matter in accordance with law instead of exercising its extraordinary jurisdiction in a proceeding under Article 226 of the



Constitution.

Accordingly, we allow this appeal, quash the order passed by the learned Writ Court and leave it to the election authorities to take action, if required, in accordance with law.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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