

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14608 of 2017

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Hari Charan Prasad S/o Late Ramdeni Sah, Resident of Village - Barka Gaon, P.S. -
Belao, Block - Rampur, District - Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Co-operative Department, Bihar, Patna.
3. The District Magistrate, Bhabhua (Kaimur).
4. The District Co-operative Officer, Bhabhua (Kaimur).
5. The Block Development Officer cum Election Officer, Bhagwanpur (Kaimur).
6. The Registrar Co-operative Societies, Bihar, Patna.
7. The Bihar State Election Authority, Harding Road, Patna through its Secretary.

.... 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: 03-11-2017

Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner is permitted to implead the Registrar, Co-operative Societies, Bihar, Patna as respondent no. 6 as well as the State Election Authority as respondent no. 7. Let necessary correction be made in the cause title of the writ petition, by learned counsel for the petitioner, during the course of the day.

3. Mr. Mukesh Kumar, accepts notice on behalf of the State Election Authority and has also been heard.

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



“(i) For a direction to the respondent authority to bifurcate the voter of Rampur Byapar Mandal from voters list of Bhagwanpur Byapar Mandal from Sl. No. 173 to 289, as the Rampur Byapar Mandal got separated Byapar Mandal from Bhagwanpur Byapar Mandal.

(ii) Further for a direction to aid the names of voter from Sl. No. 173 to 289 from voter list of Bhagwanpur Byapar Mandal to Rampur Byapar Mandal as now the Rampur Byapar Mandal got separated from Bhagwanpur Byapar Mandal.

(iii) Or for a direction to the respondents to make correction in the voter list of Bhagwanpur Byapar Mandal as well as Rampur Byapar Mandal.

(iv) To grant any other relief, which the petitioner is entitled to get in the eye of law.”

5. At the very outset, Mr. Mukesh Kumar, learned counsel submitted that for the present relief, the petitioner is required to move before the Registrar, Co-operative Societies under Section 48 of the Bihar Co-operative Societies Act, 1935.

6. Faced with the situation, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty to the petitioner to avail the said remedy.

7. In view thereof, the writ petition stands disposed off with liberty aforesaid.

8. If the petitioner moves before the Registrar within four weeks from today, his grievance shall be looked into and decided on merits, expeditiously and latest within a period of three months from the date of production of a copy of this order before him.



9. It has been submitted by learned counsel for the petitioner that the election which was to be held on the basis of the disputed voter list has been stayed due to lack of quorum. If the same is correct and elections are to be conducted afresh, the Court would require that the same is done after the present dispute has been decided by the Registrar.

(Ahsanuddin Amanullah, J.)

P. Kumar

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