

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10318 of 2017

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1. Anand Niketan Sahkari Grih Nirman Samiti Ltd. , Patna through its honorary Secretary Lal Tuna Jha S/o late Surya Narayan Jha Resident of Mohalla - Anand Niketan Co-operative Colony, Road No. - 15, Rajeev Nagar, Post - Keshri Nagar, Police Station - Rajeev Nagar, District - Patna - 800024.
 2. Friends Co-operative House Construction Society Ltd. through its Secretary Sanjeev Kumar S/o Uma Pati Sinha Mohalla - Friends Colony, Road No. 2, Patna - 800025.
 3. Mithlanchal Sahkari Grih Nirman Samittee, Patna through its Secretary Ram Mohan Jha S/o late Ram Naresh Jha Mohalla - Road - 14/A, Rajeev Nagar, Patna - 200024.
 4. Seva Niketan Sahkari Grih Nirman Samiti Ltd., Patna, through its Secretary Kunj Bihari Prasad Singh S/o late Bengali Prasad Mohalla - Patel Seva Nagar, Road No. - 5, Bhagwat Nagar, Kumharar, P.S. - Agam Kuan, Patna - 200026.
 5. Jyoti Sahkari Grih Nirman Samiti Ltd., Patna through its Secretary Gyaneshwar Sharma S/o late Ramkishore Sharma Mohalla - Kailashpuri, Kankarbagh Patna - 800020.
 6. Chetnalaya Sahkari Grih Nirman Samiti Ltd., Patna through its Secretary Dhananjay Kumar Singh S/o late Shyamnandan Prasad Singh Mohalla - Vivek Bihar, Hanuman Nagar, Kankarbagh, P.S. - Patkar Nagar, Patna - 800020.
 7. Menka Gandhi Sahkari Grih Nirman Samiti Ltd, Patna through its honorary Secretary Rang Ji Singh S/o late Ramkawal Singh Mohalla - New Purenderpur, P.S. - Jakkanpur, Patna - 800001.
 8. Shaan Sahkari Grih Nirman Samiti Ltd., Patna through its Chairman Hamidullah Palve S/o late Ataullah Palvi Mohalla - Sabjibag, P.S. - Pirbahore, Patna - 800004.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Agriculture, Co-operation and Farmers Welfare, Government of India, Krishi Bhawan, New Delhi.
2. The Central Registrar, Co-operative Society, Krishi Bhawan, New Delhi.
3. The Bihar State Housing Co-operative Federation Ltd., through its Managing Director, Lalit Bhawan, Bailey Road, Patna - 800014.
4. The Administrator, Bihar State Housing Co-operative Federation Ltd. Lalit Bhawan, Bailey Road, Patna - 800014.
5. The State of Bihar through the Principal Secretary, Department of Co-operative, Bihar, New Secretariat, Bailey Road, Patna.
6. The Registrar, Co-operative Societies, Bihar, New Secretariat, Bailey Road, Patna.
7. The Bihar State Election Authority, through its Chief Election Officer, 32, Harding Road, Patna - 800001.
8. The Chief Election Officer, Bihar State Election Authority, 32, Harding Road, Patna - 800001.
9. The Returning Officer, Bihar State Housing Co-operative Federation Ltd., Lalit Bhawan, Bailey Road, Patna.

.... Respondent/s

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Appearance:



For the Petitioner/s : Mr. Pandit Jee Pandey, Advocate
Mr. Radha Raman, Advocate
For the UOI : Mr. S.D. Sanjay, Additional S.G.
Mr. Kumar Priya Ranjan, C.G.C.
For the Election Authority: Mr. Mukesh Kumar, Advocate
For the Federation : Mr. Purushottam Jha, Advocate
For the State : Mr. Manoj Kumar Ambastha, SC-26
Mr. Tripurari Nath Ambastha, A.C. to SC-26

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-09-2017

Heard learned counsel for the petitioners, State, State Election Authority and the Bihar State Housing Cooperative Federation Limited.

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

“ That this application is being filed for issuance of an appropriate writ in the nature of mandamus, directing the respondents, respondent no. 2, 8 & 9 in particular, to prepare and publish the Electoral-List of all the 1289 housing co-operative societies as members, including these petitioners, all affiliated with respondent no. 3, and then to hold election of General Body of respondent no. 3- and / or any other relief or reliefs for which the petitioners may be deemed entitled to in the facts and circumstances of this case. ”

3. Learned counsel for the respondents at the very outset submitted that the writ petition is misconceived for the reason that there is an order of de-affiliation with regard to the petitioner societies and till the time the same is not set aside, their names cannot be



included in the voter list for election to the Apex Body.

4. Learned counsel for the petitioners submitted that the jurisdiction of the person who has de-affiliated the Societies has been held to be nonest and thus, once the said order of de-affiliation goes, the petitioners have to be included in the voter list, as their Managing Committees are duly elected and functioning. However, as no relief has been claimed with regard to setting aside of the de-affiliation of the petitioner societies, in the present writ application, he submitted that the writ petition be disposed off with liberty to the petitioners to move before the appropriate forum, in accordance with law, for setting aside the de-affiliation of the petitioner societies.

5. Learned counsel for the respondents do not object.

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

7. It goes without saying that the Court has not expressed any opinion with regard to the merits of the matter relating to de-affiliation.

(Ahsanuddin Amanullah, J)

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