

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1061 of 2017

In

Civil Writ Jurisdiction Case No.7349 of 2017

Daresh Mukhiya, Son of Srichand Mukhiya, resident of Village- Khairwa,
Police Station- Bela, District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar through the Special Secretary, Co-operative Department.
2. Bihar State Election Authority through its Secretary, 32 Harding Road, Patna-800001.
3. Sri Birendra Paswan, Former District Co-operative Officer, Sitamarhi, at present posted as District Co-operative Officer, Aurangabad.
4. District Magistrate-cum-District Election Officer, Sitamarhi.
5. District Co-operative Officer, Sitamarhi-cum-Deputy District Election Officer, Sitamarhi.
6. Block Development Officer, Parihar, District- Sitamarhi.
7. Parihar Prakhand Matasyajivi Sahyog Samiti having its office at Parihar, District- Sitamarhi through its Secretary, Thaga Sahni, son of Mangal Sahni,
8. Thaga Sahni, son of Mangal Sahni, presently posted as Secretary, Parihar Prakhand Matasyajivi Sahyog Samiti having its office at Parihar, District- Sitamarhi.
9. Upendra Sahni, son of Late Hajari Sahni, resident of Village- Dhami Tol, Police Station- Parihar, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Yogendra Mishra Sr. Advocate Mr. Arvind Kumar Jha Advocate
For the Respondent/s	:	Mr. Raj Balabh Pd.Yadav AAG11

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

7 13-04-2018 Heard learned counsel for the appellant, counsel for
the State and counsel appearing on behalf of private-respondent.

The Court is informed by the counsel for the private-
respondent that the present appellant's name has very much
been included in the list and that the society is still willing to



accept the claim of every member, who can produce evidence and proper supporting papers thereof. There cannot be a mechanical process of inclusion of name as members of a society.

Besides the above, so far as the election is concerned it has already been held and results declared, therefore, the grievance raised by the petitioner now is not required to be gone into.

In above circumstances, the Court is not inclined to interfere with the order, dated 28.06.2017, passed by the Learned Single Judge.

Appeal is dismissed, accordingly.

However, before parting, it is made clear that if any order or decision with regard to inclusion of the name of the members of the society is passed, which is adverse to their interest, they may have remedy in law before the authorities of the cooperative department.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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