

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11986 of 2018

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Sri Dharmendra Prasad son of late Brajlal Prasad resident of village- Kolahachak
(Sanda) P. O.- Hazaratsai, P.S.- Dhanrua, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Co-operative, Government of Bihar, New Secretariat, Patna.
2. The Bihar State Election Authority, 32 Harding Road, Patna Bihar, through its Chief Election Officer.
3. The Chief Election Officer Bihar State Election Authority, Patna, Bihar.
4. The Registrar Co-operative Societies, Bihar, Patna New Secretariat, Patna.
5. The Managing Director, Bihar State Milk Co-operative Federation, Dairy Development Complex, Bihar Veterinary College, Patna
6. The Managing Director, Vaishali Patliputra Milk Co-operative Union Feeder Balancing Dairy Complex, Phulwarisharif, Patna
7. The Deputy Registrar (Cane) Cooperative Societies, New Secretariat, Patna
8. The Block Development Officer-cum- Election Officer, Block- Dhanarua, District- Patna.
9. The Kukarwara Dugdh Utpadak Sahyog Samiti, Block- Dhanarua, District- Patna, through its Administrator.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amit Shrivastava, Advocate
Mr. Girish Pandey, Advocate
For the Respondents : Mr. M.K.Ambastha -SC26

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-08-2018

The petitioner has prayed for following reliefs in the writ petition:-

“(i) For issuance of a writ in the nature of a Certiorari or such other appropriate



writ/order/direction for quashing the orders contained in Memo No. 3346 dated 10.04.18 passed in Misc. Case No. 232/2017 by Respondent Dy. Registrar (Cane), Memo No. 20/RL dated 10.01.2014 passed in Misc. Case No. 46/2012 by Respondent Registrar Co-operative Societies Patna & Memo No. 3473 dated 21.06.2006 issued by Respondent Managing Director Bihar State Milk Co-operative Federation Ltd, whereby and whereunder the Primary membership of the petitioner from Kukarwar Dugdh Utpadak Sahyog Samiti has been taken away in a most illegal and arbitrary manner.

(ii) During the pendency of the writ petition stay the operation of the order contained in Memo No. 3346 dated 10.04.2018 passed in Misc. Case No. 232/2017 by Respondent Dy. Registrar (Cane), Memo No. 20/RL dated 10.01.2014 passed in Misc. Case No. 46/2012 by Respondent Registrar Co-operative Societies Patna & Memo No. 3473 dated 21.06.2006 issued by Respondent Managing Director Bihar State Milk Co-operative Federation Ltd.

(iii) To direct the Bihar State Election Authority to organize the Election of Kukarwara Dugdh Utpadak Sahyog Samiti Ltd. Dhanarua, Patna on Electoral roll finalized by Election Officer dated 12.08.2017



(iv) Any other order orders as your lordships deem fit and proper in the facts and circumstances of the case.”

2. Even before the writ petition could be taken up, an interlocutory application bearing I.A. No. 6230 of 2018 has been filed by the petitioner for a direction to add the following prayer in the writ petition :-

“For issuance of an appropriate writ in the nature of Certiorari or such other appropriate Writ/order/direction to notified Election Officer and Bihar State Election authority, Patna to provisionally add the name of Petitioner in the final voter list of Kukarwara Dugdh Utpadak Sahyog Samiti, Block-Dhanarua, which is scheduled to be finalized on 30.08.2018”

3. In view of the statutory remedy available to the petitioner under Section 48(6) of the Bihar State Co-operative Societies Act, after some arguments, Mr. Amit Shrivastava, learned counsel for the petitioner submitted that the writ petition may be disposed of with a direction to the petitioner to file an application under Section 48(6) of the aforestated Act and the Registrar, Co-operative Societies may also be directed to dispose of the same after hearing the parties expeditiously.

4. Learned counsel appearing for the respondents raise no



objection to the prayer made by the petitioner.

5. With consent of the parties, the writ petition is disposed of with a direction to the Registrar, Co-operative Societies, Bihar Patna that in case the petitioner files an application under Section 48(6) of the Bihar Co-operative Societies Act within two weeks from today for the redressal of his grievances raised in the present writ petition, he shall dispose of the same in accordance with law expeditiously, preferably within four months from the date of filing of the application after giving an opportunity of hearing to the parties concerned.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.08.2018
Transmission Date	NA

