

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14330 of 2017

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1. Ram Suresh Singh, S/o Late Mangal Singh, Resident of Village- Pakaria, P.O.- Akodhi Gola, District- Rohtas.
 2. Vijay Kumar Paswan, S/o Late Gupteshwar Paswan, Resident of Village- Bihari Bigha, Pakaria, P.O.- Akodhi Gola, District- Rohtas.
 3. Vijay Kumar Singh, S/o Kapildeo Rai, Resident of Village- Saleya, P.O.- Akodhi Gola, District- Rohtas.
 4. Mubarak Ansari, S/o Late Jahangir Ansari, Resident of Village- Chapra, P.O.- Akodhi Gola, District- Rohtas.
 5. Ritu Raj Singh, S/o Amarkant Singh, Resident of Village- Akodhi, P.O.- Akodhi Gola, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. Principal Secretary, Department of Co-operation, Bihar, Patna.
3. Joint Secretary, Deptt. of Co-operation, Bihar, Patna.
4. Registrar, Co-operative Societies, Bihar.
5. Bihar State Election Authority, 32 Harding Road, Patna, through its Chief Election Officer.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kishore Kumar Sinha, Advocate
For the Respondent/s : Mr.M.K.Ambastha-SC-26

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

12 05-12-2019 Heard learned counsel for the petitioners and learned
counsel for the respondents.

Petitioners have prayed for the following reliefs:-

- (i) For issuance of declarations holding that
the letter No. 4234 dated 05.10.09
(Annexure-3) issued by the respondent Co-



operation Department, Government of Bihar, under the signature of respondent no. 3, Joint Secretary, Co-operative Department, Bihar, containing the amended Bye-Laws of Vyapar Mandal being unconstitutional/ ultra vires of Constitution of India by which the old bye-laws of the Vyapar Mandal Co-operative Societies, have been amended under the provisions of Section 26 of Bihar Co-operative Societies Act, 1935, to be in violation of Article 14 of the Constitution of India constituting the Vyapar Mandals under two types of Bye-laws based on the said letter no. 4234 dated 05.10.09, relating to the provisions after amendment, for participation of the electorate for the post of Chairman of the concerned Vyapar Mandal and the Members of the Executive Committee of the said Vyapar Mandal.

(ii) For issuance of a direction order or writ including writ of Mandamus Commanding the concerned authorities under the department of Co-operation of the State Government to act accordingly, under the old provisions of the Bye-laws of Vyapar Mandal, which was before the year 2009 i.e. before the amendment in the Bye-laws took place in the year 2009, and not according to the amended provisions in the Bye-laws of Vyapar Mandal came into existence after



2009, vide Annexure-3.

(iii) Any other relief/reliefs that the petitioners may be found to be entitled to in the facts and circumstances of the present case.”

Learned counsel for the petitioners states that the writ-petitioners may be permitted to approach the Registrar, Co-operative Societies, Bihar venting out their grievances as made in the present petition.

The writ petition is accordingly disposed of with the direction to the Registrar, Co-operative Societies, Bihar to consider and decide the representation of the petitioners, if so filed, expeditiously and preferably within a period of three months.

It is made clear that this Court has not expressed any opinion on the merit of the claim of the petitioners..

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

spandey/-

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