

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 21855 of 2019

Sachitanand Yadav, Male aged about 38 years, Son of Late Chandrika Yadav,
Resident of Village- Sabeya, P.O.- Jagdishpur, P.S.- Vijayipur, Gram
Panchayat Raj- Khiridih, P.A.C.S.- Khiridih, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Co-operative, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum- Principal Secretary, Department of Co-operative, Government of Bihar, Patna.
3. The Registrar Co-operative Societies, Government of Bihar, Patna.
4. The Deputy Registrar (Cane) Co-operative Societies, Government of Bihar, Patna.
5. The District Co-operative Officer Gopalganj, District- Gopalganj.
6. The Assistant Registrar Co-operative Societies, Hathua, District- Gopalganj.
7. The Block Co-operative Extension Officer Vijayipur, Block and P.S.- Vijayipur, District- Gopalganj.
8. The Bihar State Election Authority through its Chief Election Officer, 32, Harding Road, Patna.
9. The Chief Election Officer Bihar State Election Authority, 32, Harding Road, Patna.
10. The Joint Secretary Bihar State Election Authority, 32, Harding Road, Patna.
11. The District Magistrate-cum- District Election Officer Gopalganj, District- Gopalganj.
12. The Block Development Officer-cum- Block Election Officer Vijayipur, Block and P.S.- Vijayipur, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nityanand Mishra, Advocate
For the State	:	Mr. Rakesh Ranjan, AC to GP 22
For the Election Authority	:	Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN

AMANULLAH

ORAL JUDGMENT

Date : 09-12-2019

Heard learned counsel for the petitioner; learned AC to
GP 22 for the State and learned counsel for the State Election
Authority (hereinafter referred to as the 'Authority').



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

“a) For issuance of writ in the nature of mandamus directing/commanding the respondents’ authorities to strike out the name of such members from the voter list whose family members i.e. husband and wife are already figuring in the Format Voter List, 2019.

b) Further for direction to the authorities/respondents concerned to strike out the name of members, who admitted in Format Voter List, 2019 as member by the Chairman and Secretary of P.A.C.S. without accepting Form-V and without considering their eligibility under section 7(2) of the Bihar Co-operative Societies Rules, 1959.

c) For further direction to the authority/respondent concerned to debar the Chairman of the concerned P.A.C.S. from making memberships of P.A.C.S. as he had illegally made membership of P.A.C.S. concerned of several members of the one Family with intention to get more vote in his favour in forth coming election, in connivance with the Secretary/BCO of concerned PACS.

d) Any further for direction to the authorities/ respondent concerned to accept the membership of those people only, who made application for membership in time with due process of law.

e) For any other relief/reliefs for which the petitioner is entitled to in accordance with law.”

3. Learned counsel for the Authority produced before the Court Letter No. 1574 dated 09.10.2019, by which revised time schedule has been fixed with regard to final publication of voter list. It was submitted that under the same, opportunity was



granted to all persons being aggrieved to file objections from 23.10.2019 to 06.11.2019. It was submitted that the petitioner has not availed the liberty given to file the objection and, thus, the present writ application for all practical purposes has become infructuous as the voter list against which the petitioner had moved was on the basis of the earlier cut-off date 15.07.2019.

4. In the aforesaid background, the Court finds that the writ petition has become infructuous as it was incumbent upon the petitioner to move before the authorities themselves, at the first instance, when already the time schedule fixed had been modified/extended by them.

5. In view thereof, the application stands dismissed.

6. However, it shall be open to the petitioner to move the appropriate forum, as may be available to him, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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