

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24953 of 2019

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Lalan Yadav Son of Late Ramkhelawan Yadav, Resident of Village-Lazaman,
Bigha Tola, Simara, P.S.-Konch, District-gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Co-operative Society Department, Bihar, Patna.
2. The Registrar, Bihar Co-operative Department, Bihar, Patna.
3. The Election Authority, Bihar, Patna
4. The Chief Election Officer, Election Authority, Bihar, Patna.
5. The District Co-operative Officer, Gaya.
6. The District Magistrate, Gaya.
7. The Sub-Divisional Officer, Tekari, Gaya.
8. The Block Officer, Konch Block, Gaya
9. The Chairman, Simra Primary Agriculture Co-operative Society, Simara, Konch, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Advocate
For the State	:	Mr. AC to AAG 11
For the Election Authority	:	Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-12-2019

Heard learned counsel for the petitioner; learned AC
to AAG 11 for the State and learned counsel for the State
Election Authority.

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

*“(A) A writ in the nature of certiorari or in any other
appropriate writ order/ orders for quashing the
following reliefs:-*



(i) The voter role of Simara Primary Agriculture Society, Simra following within Konch Block of Gaya District prepared for the election of the said PACS which is going to held on 13-12.2019 for the different posts of the office bearer to the said PACS.

(B) A writ in the nature of Mandamus or in any other appropriate writ order/ orders direction coming the respondent for the following:-

(i) To prepare a fresh elector role for the election of the Simara PACS for the different posts of the office bearers which is going to be held on 13-12.2019 deleting the name of the minor, dead and fake persons from the electoral role.

(ii) To constitute or prepare election both for casting the vote in any government building like Middle School, Simara Panchayat Sarkar Bhawan or Pustkakaya Bhawan Simara and any other appropriate Government Building situated in village Simara.

(iii) To restrain the defaulter PACS Chairman, PACS Member the Managing Committee and their family members to contest the PACS election 2019.

(iv) To restart the respondent to constitute/prepare election both in village-Dighi.

(v) To shift the office of the PACS to any Govt. Building like Panchayat Bhawan, Simara or library Simara or any other appropriate place in the village Simara from the Private house of the Chairman of the PACS situated in Dighi village.

(C) To any other relief/reliefs for which the petitioner is entitled too.”

3. In view of election having been held on 13.12.2019, the writ petition, to the extent of preparation of voter list and election related matters is not required to be gone



into as now all such issues have to be agitated, after elections and declaration of results, in accordance with law, before the concerned statutory authority.

4. However, learned counsel for the petitioner submitted that the other relief is with regard to location of office of the PACS, which, according to him, in the year 2009 was established and started functioning from Simara library which is a public building, but after election of the then Chairman of the PACS it was shifted into the private house of his relative for which rent is also being paid from the government coffer. It was submitted that despite the office being far away in a different village, the same is also illegal when already government accommodation is available. It was submitted that the petitioner and others have moved the authority but no action is being taken.

5. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner to move with regard to disputes connected with the election, before the appropriate statutory authority. With regard to the dispute of the PACS office being run from a private building on rent, the petitioner is at liberty to move before the District Magistrate, Gaya (respondent no. 6), who shall consider the same, in



accordance with law, keeping in mind the fact that the expenditure from the government coffer should not be made when there is alternate arrangement to save such money.

6. If such application is filed within one month from today the respondent no. 6 shall ensure that a reasoned order is passed on the same within one month from the date of filing of such application, in accordance with law, after hearing all concerned.

(Ahsanuddin Amanullah, J)

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