

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1489 of 2020

Arvind Prasad, aged about 52 years (Male) Son of Late Allo Mahto, Resident of Village-Dharahra, P.S. Silao, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The Deputy Registrar, Co-operative Societies, Bihar, Patna.
5. The District Magistrate-cum-District Election Officer (Co-operative), Nalanda, Biharsharif.
6. The District Co-operative Officer, Nalanda, Biharsharif.
7. The Assistant Registrar, Co-operative Societies, Nalanda, Biharsharif.
8. The Block Development-cum-Returning Officer, Silao Block District-Nalanda, Biharsharif.
9. The Bihar State Election Authority through its Joint Secretary, Bihar, Patna.
10. Kumari Nilmi Sinha, aged about years (Female) Wife of Nawal Kishore Prasad, Resident of Village-Dharcharaj, P.S. Siloa, District-Nalanda.
11. Rmbaran Paswan, aged about years, Son of Janki Paswan, Resident of Village-Maniyama, P.S.-Silao, District-Nalanda.
12. Shishupal Patel, aged about years (Male) Son of Anuj Prasad, Resident of Village-Maniyama, P.S. Silao, District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sudish Kumar, Advocate
For the State	:	Mr. Ramashray Roy, AC to AAG 11
For the Election Authority	:	Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 29-01-2020

Heard learned counsel for the petitioner; learned AC to
AAG 11 for the State and Mr. Mukesh Kumar, learned counsel for



the State Election Authority (hereinafter referred to as the 'Authority').

2. The present application has been filed for the following relief:

“That this writ application is being filed for issuance of writ in the nature of Mandamus after calling the voter list from District Election Officer of Nalanda regarding the Voter list marked by the Presiding Officer, at the time of polling of Dharhara Primary Agriculture Co-operative Society, Block-Silao done on 13.12.2019 and further prays to verify the polling done by the Member of PACS including the number of polling done against dead persons and the same is found a high level enquiry be constituted for made a corrupt practice in the PACS Election and submit the report to the Government as well as this Hon'ble court regarding the actual number of voting done by the alive members after dead and if found the voting done in the name of dead persons what action has been taken by the Election Authority of PACS of Nalanda District on complain made by one candidate and the petitioner further prays for grant any other relief(s) for which circumstances of the case.”

3. Learned counsel for the Authority submitted that now elections having been held and results declared, the petitioner is required to move before the Registrar, Co-operative Societies under The Bihar Co-operative Societies Act, 1935 in an election petition.

4. The Court finds substance in the contention of learned counsel for the Authority.



5. Accordingly, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law, with regard to the relief claimed in the present application.

(Ahsanuddin Amanullah, J.)

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