

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12953 of 2018

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1. Rajeev Kumar S/o Sri Ramadhin Singh, R/o Village+Post- Sonchari, P.S.- Parwalpur, District- Nalanda, Bihar.
 2. Mai Panchayat Primary Agriculture Credit Co-operative Society, Parwalpur, District- Nalanda through its Chairman Rajeev Kumar

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Co-operative Department, Government of Bihar, Patna
2. The Registrar, Co-operative Society, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bindhyachal Rai, Advocate
For the Respondent/s : Mr.Pushkar Narain Shahi, AAG-6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-01-2020 Heard learned counsel for the petitioners and learned
counsel for the respondents.

Petitioners have prayed for the following relief:-

“(i) to declare that Rule 7(4) of the Bihar
Co-operative Societies Rules, 1959 is ultra vires the
Constitution of India.

(ii) to issue a writ of certiorari for quashing
the Rule 7(4) of the Bihar Co-operative Societies
Rules, 1959 as being violative of the Constitution of
India 97th (Amendment) Act, 2011, Article-43B,
Article 19(C) and Article-14 of the Constitution of
India.

(iii) to issue a writ of Mandamus



commanding the respondents not to enforce the
aforesaid Rule 7(4) of the Rules.”

Our attention is invited to the fact that the elections
are already stand notified vide notification dated 31st of October,
2019.

If that were so, we are afraid, we cannot entertain the
present petition and, therefore, dispose of the present writ
petition reserving liberty to the petitioners to raise all issues
before the concerned authorities in accordance with law.

Our attention is also invited to such similar order
dated 10.08.2009 passed in L.P.A. No. 1028 of 2009.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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