

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14364 of 2018

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1. Anil Kumar Yadav S/o Late Dhruv Yadav, R/o Village Post- Sher, P.S.- Sidhwalia, District- Gopalganj, Bihar.
 2. Sher Primary Agriculture Credit Co-operative Society, Sidhwaliya, District- Gopalganj through its Chairman Anil Yadav

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Cooperative 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.P.N. 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 The petition filed on 23.07.2018 is listed for hearing
for the first time today before the Court.

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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