

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3773 of 2021

1. Mamta Devi Wife of Radha Krishna Dubey, Resident of Village - Dubauli, P.S. Bhagwanpur, Pacs Mokaram, District - Kaimur at Bhabua. At present residing at Ward No. 07, Shanti Nagar, Bhabua, District - Kaimur.
2. Mahendra Tiwari, Son of Gayatri Tiwari, Resident of Village - Sundh, P.S. Bhagwanpur, Pacs Mokaram, District - Kaimur at Bhabua.
3. Ram Singhasan Dubey, Son of Chether Dubey, Resident of Village - Dubauli, P.S. Bhagwanpur, Pacs Mokaram, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Cooperative Department, Bihar, Patna.
2. The District Magistrate Cum-Collector, Kaimur at Bhabua.
3. The District Co-operative Officer, Kaimur at Bhabua.
4. The Block Co-operative Officer, Bhagwanpur, District - Kaimur at Bhabua.
5. The Election Officer Cum Block Development Officer, Bhagwanpur, District - Kaimur at Bhabua.
6. The Bihar Election Commission, through its Secretary.

... .. Respondent/s

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg, Adv
For the Respondent/s : Mr. Amit Prakash, GA 13

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 12-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief:-

“(i) For issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of mandamus directing the respondent authorities to not to

conduct the Election of Mokaram PACS, Block-Bhagwanpur, District Kaimur at Bhabua, without incorporating the name of petitioners as well as other 582 persons, for which the District Co-operative Officer, Kaimur vide his order dated 22.12.2020 directed to take appropriate action on the membership forms of 149 members only, which have already been filed their membership Form through online in year 2019 and January-February, 2020, but, within 15 days as well as till today, no action has been taken by Managing Committee of Mokaram PACS on their membership Form (i.e. Form-V) and others 434 farmers/members who has already submitted their membership form through online mode in year 2019 and 2020 for adding them as voter of Mokaram PACS, but till today no action has been taken by Managing Committee and all of them have already filed their objection by filing appeal on 25.10.2019 for adding their names in voter list before the District Co-operative Officer, Kaimur, at Bhabua, but no action has been taken by the respondent no. 3 till today.”

Petitioners claim to be agriculturalist and land holders residing in the territorial jurisdiction of Mokaram PACS. Petitioner no.1 is the member of Mokaram PACS within block Bhagawanpur in the district of Kaimur at Bhabhua, however, name of petitioner nos.2 and 3 could not be registered in the voter list although they have submitted the membership slip and similarly 582 persons have submitted their application form online in the year 2019 and 2020 for adding their name in the voter list of Mokaram PACS but the District Co-operative Officer, Kaimur did not pass any order nor the Managing Committee of Mokaram is passing any order on their membership although 15 days is the statutory period for passing

order on the application filed for grant of membership of PACS. Petitioners have further alleged that dead farmers as well as farmers of other villages have been made voters and there are several illegalities and irregularities committed in preparation of voter list and, as such, elections scheduled on 15.02.2021 be postponed till preparation of valid and correct voter list.

Petitioners have approached this Court without exhausting their statutory remedies provided under the Bihar Co-operative Societies Rules and bye-Laws, as such, the writ petition is disposed of with liberty to the petitioners to avail the statutory remedies provided under the aforesaid Rules and bye-Laws before approaching this Court.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA