

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5623 of 2021

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Mahendra Sahani, son of Late Siyaram Sahani resident of village and P.O. -
Manjhaul, Sangat Tola, P.S. - Cheriya Bariarpur, Distt- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Bihar, Patna.
2. The Bihar State Election Authority, Patna through the Chief Election Officer, 32 Harding Road, Patna- 800001.
3. The District Co-operative Officer, Begusarai.
4. The Block Co-operative Extension Officer, Cheriya Bariarpur - cum - Administrator, Cheriya Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd. Cheriya Bariarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Nivas Prasad, Advocate
For the Election Authority :		Mr. Mukesh Kumar, Advocate
For the State	:	Mr. Mahendra Prasad Verma, A.C. to S.C.20.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-08-2021 Heard Mr. Ram Nivas Prasad, learned counsel for the petitioner, Mr. Mukesh Kumar, learned counsel for the Bihar State Election Authority and Mr. Mahendra Prasad Verma, learned A.C. to S.C.20 for the State.

The petitioner has filed the present writ application for a direction upon respondent No.2, Bihar State Election Authority to hold election of Cheriya Bariarpur Prakhand Matsyajivi Sahyog Samiti Ltd. Cheriya Bariarpur without any delay.

Submission of the petitioner is that the society, in



question, has dissolved on 20.12.2018 under Section 41 (5)A of the Bihar Co-operative Societies Act, 1935 inasmuch as majority of the elected members had resigned. Learned counsel further submits that during pendency of this writ application, the process for preparation of voter list has started by respondent No.2, Bihar State Election Authority and accordingly the authority may be directed to hold the election of the society as early as possible.

On the other hand, Mr. Mukesh Kumar, learned counsel for the Bihar State State Election Authority submits that process of election has started as per Rule 21(Y) of the Bihar Co-operative Societies Rules and as per the statute, the preparation of voter list shall be completed within a period of 120 days prior to the date of election. Learned counsel further submits that after preparation of the voter list, the authority will take necessary steps for holding election of the society, in question.

In view of the submissions made by the parties and the fact that the process for preparation of voter list has already been started by the election authority, the petitioner is directed to file a representation before the Bihar State Election Authority, Patna, respondent No.2, for fixation of date of election after



completion of preparation of voter list and if such representation is filed, the Bihar State Election Authority, Patna, respondent No.2, shall dispose the same in accordance with law within a period of 15 days from the date of receipt / production of a copy of this order.

Accordingly, this writ application is disposed with the aforesaid observation and direction.

(Anil Kumar Sinha, J)

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