

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10006 of 2020

=====

Mahamad Mansur @ Md. Mansur Son of Late Md. Kudus Resident of Village- Bajidpur, Khawaspur, Police Station- Lakri Nabiganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Registrar, Cooperative Society, New Secretariat, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The District Cooperative Officer, Siwan.
5. The Sub Divisional Officer, Maharajganj, Siwan.
6. The Block Development Officer-cum-the Returning Officer, Lakri Nabiganj, District- Siwan.
7. The Block Cooperative Officer, Lakri Nabiganj, District- Siwan.
8. Md. Murshid Son of Shekh Id Mohammad Resident of Village- Khawaspur, Police Station- Lakri Nabiganj, District- Siwan. At present the Chairman PACCS Khawaspur, Block- Lakri Nabiganj, District- Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr. Mahtab Alam, AC to SC 20

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-07-2021 Heard Mr. Umesh Kumar Mishra, learned counsel for the petitioner and Mr. Mahtab Alam, learned AC to SC- 20 for the State through video conferencing.

The present writ application has been filed for a direction to the respondent authorities to recount the votes of PACCS election of Chairman for Gram Panchayat -Raj Khawaspur, Anchal - Lakri Nabiganj, District – Siwan held in the year 2019.



Learned counsel for the petitioner submits that private respondent in connivance with other respondent authorities have erroneously declared the genuine votes cast in favour of the petitioner as bogus and illegal in the counting and private respondent no. – 8 / Md. Murshid has wrongly been declared as elected Chairman of the PACCS Khawaspur, Anchal -Lakri Nabiganj, District- Siwan. Learned counsel further submits that the petitioner had contested the election for the post of Chairman of the PACCS in question and he has filed a representation before the District Magistrate, Siwan but no action has been taken upon the representation of the petitioner.

On the other hand, learned counsel for the State submits that grievance of the petitioner gives rise to election dispute for which the petitioner may be directed to take recourse of election petition to be filed before the Registrar, Co-operative Societies under Section 48 of the Bihar Co-operative Societies Act, 1935.

Having heard learned counsel for the parties and in view of the fact that petitioner is aggrieved by the irregularity in the counting of the votes in election for the post of Chairman in the concerned PACCS, this writ application is disposed of with liberty to the petitioner to prefer an election petition before the



competent authority.

It is made clear that if the issue of limitation is raised by the petitioner before the competent authority, the same may be considered in accordance with law.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

