

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4828 of 2021

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Bijendra Prasad, Son of Late Ramashish Roy, Resident of village and P.O.-
Parsauna, P.s.- Parsa, District- Saran (Chapra)

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Cooperative Department, Bihar, Patna
2. The Registrar, Cooperative Societies, Bihar, Patna
3. The Joint Registrar, Cooperative Societies, Saran Pramandal at Chapra
4. Bihar State Election Authority, 32, Hardinge Road, Patna through the Chief Election Officer,
5. The District Magistrate, Saran at Chapra
6. The District Cooperative Officer, Saran at Chapra
7. The Block Development Officer, Parsa, District-saran cum Election Officer of the Parsauna Primary Agriculture Cooperative Society
8. Parsauna Agriculture Credit Cooperative Society Ltd. Parsauna, P.s.- Parsa, District- Saran, at Chapra, through its Paid Manager
9. Deva Roy Son of Late Ram Pravesh Roy resident of village and P.O.- Parsauna, P.s.- Parsa, District- Saran
10. Sanjti Roy Son of Late Chandeshwar Roy resident of village- Parsadi, P.O.- Parsauna, P.s.- Parsa, District- Saran at chapra
11. Janki Devi Wife of Late Ramashish Roy resident of village and P.O.- Parsauna, P.s.- Parsa, District- Saran at Chapra

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yogendra Mishra, Advocate
		Mr.Nalin Kumar, Advocate
For the Respondent/s	:	Mr.Amit Prakash, GA-13

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

5 22-01-2022 The matter has been taken up for online hearing
through video conference because of COVID-19 pandemic



restrictions.

In substance, the petitioner is questioning election of respondent No. 9 as *Adhyaksha* of Primary Agricultural Cooperative Society, Parsauna in the district of Saran. The election results were announced on 14.12.2019. The petitioner had the remedy of filing election petition against election of respondent No. 9 which he admittedly did not avail after declaration of result.

This writ application has been filed in 2021 with a plea that respondent No. 9 is not a member of the said Primary Agriculture Cooperative Society, rather he is a co-member.

Mr. Yogendra Mishra, learned counsel appearing on behalf of the petitioner has submitted that respondent no. 9 suffered from inherent disqualification, he being not a regular member of the cooperative society. He has submitted that action of the Block Development Officer permitting respondent No. 9 to participate in the election is wholly without jurisdiction and, therefore, this Court may entertain this writ application exercising power of judicial review.

Admittedly, the petitioner did not avail the statutory remedy of filing election petition challenging election of respondent No. 9. This writ application challenging election of



respondent No. 9 deserves to be dismissed at the threshold and is dismissed accordingly.

Mr. Mishra seeks liberty to approach the Registrar, Cooperative Societies raising the issue of membership of respondent No. 9.

We need not make any comment on the said submission, in the background of the facts and circumstances noted above.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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