

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6507 of 2022

=====

Lakshman Dyal S/o-Late ram Krishna sah Resident of Village-Chandramandi,
PS-Chandramandi, Dist.-Jamui.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. Principal Secretary Co-Operative Society, Co-Operative Department, Bihar Patna.
3. Collector Cum District Election Officer (Cooperative Society) Jamui.
4. D.D.C. Cum Nodal Officer Co-Operative Society Jamui.
5. District Cooperative Officer, Jamui.
6. S.D.O., Jamui.
7. B.D.O., Block-Chakai, District-Jamui.
8. Block Cooperative Extension Officer, Block-Chakai, District-Jamui.
9. The Chief Election Officer, Bihar State Election Authority, 32 Harding Road, Patna-800001
10. Secreary, Bihar State Election Authority, 32 Harding Road, Patna-800001.
11. Manager, Munger Jamui Central Cooperative Bank Chakai
12. In-Charge Branch Manager Munger Jamui Central Cooperative Bank Chakai, Branch-Chakai, District-Jamui.

... .. Respondents

=====

Appearance :

For the Petitioner	:	Mr. Ebrahim Kabir
For the Respondent State:	:	Mr. Mahendra Prasad Verma, AC to SC-20
For the SEA	:	Mr. Mukesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 10-05-2022 The petitioner has asserted in this writ application that he is a member of Chandramandi PACS in Chakai Block of Jamui district. He has filed the present writ application seeking this Court's declaration that 298 voters/members have been



illegally added in the voters list, prepared as on the cut off date, i.e., 28.02.2022 of the said PACS. He is seeking a direction for removal of the names of the said 298 members and for preparation of a correct voters list after proper scrutiny and considering the objections raised by the petitioner against the inclusion of the said 298 voters.

It is an admitted fact, as has emerged from the submissions advanced on behalf of learned counsel representing the parties, that the election for the said PACS has already taken place on the basis of the voters list, legality of which the petitioner has questioned in the present writ application.

It is pertinent to note that the second explanation to Section 48(1) of the Bihar Co-operative Societies Act, 1935, which admittedly governs the PACS in question provides that a question whether a person is or was a member of the registered society or not is to be treated as dispute within the meaning of Section 48(1) of the Act. It does not appear from the pleadings on record as to whether the petitioner has raised any dispute before the Registrar in this regard or not. Secondly, Section 10 of the Bihar State Election Authority Act, 2008 ('the Act' for brevity), clearly provides that election to any office of a co-operative society shall not be called in question except by way



of an election petition as prescribed. Similar provision is there under Rule 11 of the Bihar State Election Authority Rules, 2008 ('the Rules' for brevity). There being specific provision under Section 10 of the Act and Rule 11 of the Rules that no election can be called in question except by an election petition, we are not inclined to entertain the present writ application as it involves purely an election dispute.

This writ application is accordingly dismissed with a liberty to the petitioner to prefer election petition, if the same is permissible to him and not otherwise barred.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Pawan/-

U			
---	--	--	--

