

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10588 of 2022

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Pappu Singh @ Pappu Kumar Singh, son of Late Ganesh Singh, Resident of
Village- Auliyabad, P.S. Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Joint Secretary, Department of Co-operative, Government of Bihar, Patna.
2. The Secretary, Department of Co-operative, Government of Bihar, Patna.
3. The Bihar State Election Authority, Patna through its Secretary.
4. The Chief Election Officer, Bihar State Election Authority, Patna.
5. The Secretary, Bihar State Election Authority, Patna.
6. The Divisional Commissioner, Bhagalpur.
7. The Deputy Divisional Commissioner-cum-Nodal Officer, Bhagalpur.
8. The District Magistrate-cum-Electoral Officer, Bhagalpur.
9. The Sub-Divisional Officer, Naugachia, District Bhagalpur.
10. The Block Development Officer-cum-Returning Officer, Bihpur District - Bhagalpur.
11. Gopal Singh son of Late Rupan Singh, Resident of Village Jhandapur, P.S. Bihpur, District Bhagalpur - 853201.
12. Bhagwan Singh son of Late Uchit Singh, Resident of Village Auliyabad, P.S. Bihpur, District Bhagalpur - 853201.
13. Pradeep Kumar Singh son of Rajdeo Singh, Resident of Village Babhangama, P.S. Bihpur, District Bhagalpur - 853201.
14. Ramdeo Singh son of Late Lakhan Singh, Resident of Village Jamaldipur, P.S. Kharik, District Bhagalpur - 853202.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Arjun Kumar, Advocate
For the Respondent-State: Mr. Syed Iqbal Ahmad, SC-20

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)
Date : 26-09-2022

In the present application, the petitioner has prayed

for issuance of a writ in the nature of *mandamus* directing the



respondents to declare the election of Secretary/Treasurer of Bihpur Matasyajivi Sahyog Samiti Ltd. in the District of Bhagalpur held on 28.06.2022 to be illegal and unfair and to hold the said election again after deletion of the name of one Bhagwan Singh from the list of contesting candidate and ballot papers. The petitioner has further prayed for issuance of a direction to the respondents to print the symbol allotted to the petitioner by the Returning Officer on the ballot papers and conduct a free and fair reelection following the rules prescribed in this regard.

2. Apparently, the dispute relates to a registered society under the Bihar Co-operative Societies Act, 1935. Section 48 of the aforesaid Act deals with the disputes touching the business of a registered society (other than a dispute regarding disciplinary action taken by the society or its managing committee against a paid servant of the society), which reads as under :

“Section 48. Disputes. - (1) If any dispute touching the business of a registered society (other than a dispute regarding disciplinary action taken by the society or its managing committee against a paid servant of the society) arises-

(a) amongst members, past members,



persons claiming through members, past members or deceased members, and sureties of members, past members or deceased members, whether such sureties are members or non-members; or

(b) between a member, past member, persons claiming through a member, past member or deceased member, or sureties of members, past members or deceased member, whether such sureties are members or non-members and the society, its managing committee or any officer, agent or servant of the society; or

(c) between the society or its managing committee and any past or present officer, agent or servant of the society; or

(d) between the society and any other registered society; [or]

[(e) between a financing bank authorised under the provisions of sub-section (1) of Section 16 and a person who is not a member of a registered society;]

such dispute shall be referred to the Registrar:

Provided that no claim against a past member or the estate of a deceased member shall be treated as a dispute if the liability of



the past member or of the estate of the deceased member has been extinguished by virtue of Section 32 or Section 63.

3. In the instant case, the admitted position is that the petitioner has not raised the dispute before the Registrar Co-operative Societies till date.

4. In view of an equally efficacious statutory remedy being available to the petitioner and having not availed it, we are not inclined to entertain the present application in extraordinary writ jurisdiction. It is dismissed accordingly.

5. However, dismissal of the writ petition would not preclude the petitioner from agitating his grievance in accordance with law before the Registrar Co-operative Societies.

(Ashwani Kumar Singh, J)

(Shailendra Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.09.2022
Transmission Date	NA

