

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19367 of 2017

Rana Pratap Singh, Son of Uday Pratap Singh, Resident of Village- Karma Bhagwan, Karma, Aurangabad, P.O. Karma Bhagwan, P.S.- Mufassil Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
3. The Chief Electoral Officer, Bihar State Election Authority, Bihar, Patna.
4. The Returning Officer-cum-Block Development Officer, Vyapar Mandal, Aurangabad.
5. Ramesh Kumar Singh, Son of Late Yamuna Singh, Resident of Village-Raghaulia, Post- Unthu, P.S.- Aurangabad Mufassil, District- Aurangabad.
6. Maheshwar Singh, Son of Late Raghupat Singh, Resident of Village P.O. Unthu, P.S.- Aurangabad Mufassil, District- Aurangabad.
7. Shankar Dayal Singh, Son of Kamdeo Singh, Resident of Village Sohraiya, P.O. Phesar, P.S. Phesar, District- Aurangabad.
8. Anil Ashutosh, Son of Late Ganesh Prasad Singh, Resident of Village-Bagaiya, P.O. Pokhraha, P.S. Phesar, District- Aurangabad.
9. Ram Bachan Bhagat, Son of Late Narayan Bhagat, Resident of Village-Surith Bigha, P.O. Manjhar, P.S. Aurangabad Mufassil, District- Aurangabad.
10. Chanchal Kumar Singh, Son of Kapildeo Singh, Resident of Village-Bhedia, P.O.- Kanbehari, P.S.- Aurangabad Mufassil, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Sr. Advocate Mr. Rajiv Ranjan, Advocate
For the Respondent/s	:	Mr. Narendra Kumar, (AC to GP 22)
For the State Election Authority	:	Mr. Mukesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

2 02-01-2023 Heard Mr. Alok Kumar Sinha, learned senior counsel,
duly assisted by Mr. Rajiv Ranjan, learned counsel appearing on



behalf of the petitioner, Mr. Mukesh Kumar, learned counsel for the Bihar State Election Authority and Mr. Narendra Kumar, learned AC to GP 22.

2. The present writ application has been filed for the following reliefs:

- (i) To issue an appropriate writ preferably in the nature of certiorari for setting aside the order dated 27.11.2017 bearing memo no. 1169, dated 28.11.2017, passed by the Chief Electoral Officer, Bihar State Election Authority, Patna whereby and whereunder the application made by the petitioner for exclusion of names of respondents 5 to 10 from the voters list of Aurangabad Vyapar Mandal Co-operative Society Ltd. Published on the basis of cut off date 31.08.2017 has been dismissed;
- (ii) To hold and declare that the names of respondent No. 5 to 10 were illegally included in the voters list prepared and published for the year, 2012;
- (iii) To hold and declare that the respondent no. 5 to 10 does not have the legal entitlement to be included as voters since they are neither members nor share holders on the co-operative Society, and
- (iv) To grant any other relief(s), for which the petitioner may be found entitled to in the peculiar facts and circumstances of the case.

3. Mr. Mukesh Kumar, learned counsel for the Bihar State Election Authority submits that so far the reliefs prayed for in the present writ application is concerned, the same has become infructuous, in view of the fact that during the pendency of the present writ application, the Election has



already held. He further submits that the petitioner has only grievance with regard to the inclusion of the name of private respondent, for which the petitioner has a remedy before the Registrar, Co-operative Society in view of Section 48 of the Bihar Co-operative Societies Act, 1935.

4. Faced with the situation, learned senior counsel appearing on behalf of the petitioner submits that the writ application may be disposed of with a liberty to the petitioner to avail the remedy available under the Statute.

5. In view of the submissions made on behalf of the parties, the present writ application stands disposed off with a liberty to the petitioner to avail the remedy, as provided under the Statute.

6. It is needless to say that if such application is filed before the Registrar Co-operative Society, the same would be considered and disposed off expeditiously, in accordance with law.

(Ahsanuddin Amanullah, J)

(Harish Kumar, J)

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