

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3629 of 2020

1. Birju Nath Singh, son of Jaymangal Singh, Resident of village - Dakshin Chand tola Raghapur, Police Station- Jurawanpur, District- Vaishali at Hajipur.
2. Santosh Kumar Singh, Son of Vasshista Narayan Singh, Resident of Village - Raghapur, Police Station - Raghapur, District Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Department of Co-operation, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Co-operation, Government of Bihar, Patna.
3. Registrar, Co-operative Societies, Bihar, Patna.
4. District Magistrate-cum-district Election Officer (Co-operative Society), Vaishali at Hajipur.
5. The Deputy Development Commissioner cum - Nodal officer, (Cooperative Societies), Vaishali at Hajipur.
6. The Joint Registrar, Cooperative Societies, Tirhut Division, Muzaffarpur.
7. District Co-operative Officer, Vaishali at Hajipur.
8. Block Development Officer-cum-the then Returning Officer, Block Raghapur, Vaishali at Hajipur.
9. The Circle Officer cum Returning Officer (Cooperative Societies), Raghapur, Vaishali at Hajipur.
10. Block Cooperative Extension Officer cum Assistant Returning Officer (Cooperative Societies), District Vaishali at Hajipur.
11. Bihar State Election Authority through its Secretary, 32, Harding Road, Patna-1.
12. The Chief Election Officer, Bihar State Election Authority, 32 Harding Road, Patna-1.
13. The Joint Secretary, Bihar State Election Authority, 32 Harding Road, Patna-1.
14. Devanand Singh, son of Rameshwar Singh, Resident of Village - Raghapur, Police Station - Jurawanpur, District Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate.
For the SEA	:	Mr. Mukesh Kumar, Advocate.
For the Respondent/s	:	Mr. Jitendra Kumar, AC to AAG-11.



CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 29-08-2023

Heard Mr. Sanjay Kumar, learned counsel for the petitioner, Mr. Mukesh Kumar, learned counsel for the respondent State Election Authority and Mr. Jitendra Kumar, learned AC to AAG-11 for the State.

2. The petitioner by invoking the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India is seeking quashing of the order as contained in Memo No.542, dated 06.02.2020 issued under the signature of the Joint Secretary, Bihar State Election Authority, Patna, whereby the 212 persons have been wrongly declared as member of the Raghapur West, Primary Agriculture Credit Societies and thereafter the Circle Officer, Raghapur, has been made as Returning Officer with further direction to prepare a fresh voter list. He further prays for issuance of a direction to prepare a fresh voter list after deleting the names of 212 persons, who reside within the territorial jurisdiction of the Raghapur East, Primary Agriculture Credit Societies. Thus, the new Returning Officer be directed to prepare voter list in view of the provision made in the Section 44AQ(3) of the Bihar Cooperative Societies Act, 1935.



3. The learned counsel for the petitioner vehemently submits that the impugned action of the State Election Authority declaring the 212 persons as a member of Raghapur West, Primary Agriculture Credit Societies is in the teeth of Section 44AQ(3) of the Bihar Cooperative Societies Act, 1935, as he has no authority under the law to withhold the election and change the final voter list. He further submits that any dispute with regard to the inclusion and exclusion of the members of Primary Agriculture Credit Societies lies before the Registrar, Cooperative Societies and as such the usurpation of such power by the State Election Authority is wholly without jurisdiction.

4. On the other hand learned counsel for the State Election Authority while relying upon a judgment/order of this Court, dated 16.12.2021 rendered in the case of Krishna Bind vs. State of Bihar & Ors., CWJC No.2635 of 2020, has submitted that the petitioner has statutory remedy for redressal of his grievance before the Registrar, Cooperative Societies under Section 48 of the Bihar Cooperative Societies Act, 1935. In similar circumstance where the aggrieved persons have raised such claim, they have also been relegated to the Registrar, Cooperative Societies, who is the competent



authority to resolve the dispute relating to the inclusion/exclusion of the members of the Primary Agriculture Credit Societies.

5. Considering the submissions and taking into consideration the statutory provisions as prescribed under the Bihar Cooperative Societies Act, the present writ application stands disposed of with a liberty to the petitioners to approach before the Registrar, Cooperative Societies by filing an appropriate petition raising all their grievance, which will be considered and disposed of by a reasoned and speaking order.

6. Accordingly, the present writ application stands disposed of with the aforesaid liberty.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2023.
Transmission Date	NA

