

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5145 of 2023

Chandrika Singh Son of Late Madho Singh, resident of Village and P.O. -
Bhaunr, P.S. - Khaira, District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Registrar, Co-operative Societies, Vikash Bhawan, New Secretariat, Patna.
3. The Bihar State Election Authority, through its Chief Election Officer.
4. The Chief Election Officer, Bihar State Election Authority, Patna, Barrack No. 11, Old Secretariat, Patna - 15.
5. The Secretary, Bihar State Election Authority, 32, Harding Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nityanand Mishra, Advocate.

Mr. Alok Abhinav, Advocate.

For the Respondent/s : Mr. Rajeev Shekhar, AC to GA-13.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 05-12-2023

Heard Mr. Nityanand Mishra, learned counsel
along with Mr. Alok Abhinav, learned counsel appearing on
behalf of the petitioner and Mr. Rajeev Shekhar, learned AC to
GA-13 for the State.

2. The petitioner has filed the writ petition for the
following reliefs:

“(i) For issuance of an appropriate writ in the nature of certiorari to quash and set aside the Letter No. 04 dated 02.01.2023 (contained in Annexure-6) issued under the signature of Secretary, Bihar State Election Authority, Patna in the light of Notification No. 9571 dated 27.09.2012 notified by the Chief Election Officer, Bihar State Election Authority, Patna which is perverse and utter disregard of Section 10-A of Banking Regulation Act, 1949 (sections 10-A and 10-C inserted by Act 58, S.3 w.e.f 01.02.1969 and 10-C substituted by Act 1 of 1984 w.e.f 15.02.1984) and also in the view of amended Banking Regulation Act, 1949 in 2020 (hereinafter referred as B.R. Act) whereby and whereunder started the process of election for which electoral roll is being prepare for the purpose of upcoming election of Management Committee of Registered Co-operative Societies and Board of Directors of Co-operative Societies under the State



- of Bihar.
- (ii) For issuance of writ in the nature of mandamus directing/commanding the respondents concerned to conduct entire process of election for which electoral roll is being prepare for the purpose of upcoming election of Management Committee of Registered Co-operative Societies and Board of Directors of Co-operative Societies under the State of Bihar according to the Section - 10-A of Banking Regulation Act, 1949 (sections 10-A and 10-C inserted by Act 58, S.3 w.e.f 01.02.1969 and 10-C substituted by Act 1 of 1984 w.e.f 15.02.1984) and also in the view of amended Banking Regulation Act, 1949 in 2020.
- (iii) For further directing/commanding the respondents concerned not to proceed/conduct the entire process of election for which electoral roll is being prepare for the purpose of upcoming election of Management Committee of Registered Co-operative Societies and Board of Directors of Co-operative Societies under the State of Bihar during pendency of the present writ application.
- (iv) For any other relief or reliefs for which the petitioner is found entitled to in the interest of Public.

3. Learned counsel appearing on behalf of the petitioner seeks to raise all the issues raised in the present writ petition before the The Registrar, Co-operative Societies, Patna.

4. The Registrar, Cooperative Societies, Patna must decide the issue within a period of six weeks in accordance with law, if the election has not already been conducted and results have not been announced. In the case result has been declared, the petitioner is at liberty to challenge the result by way of filing election petition.

5. The writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	06.12.2023
Transmission Date	N.A.

