

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17578 of 2022**

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Lakhan Lal Mahaldar, Son of Late Sopi Mahaldar, Resident of Village + P.O.  
+ P.S. Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary Department of Cooperative, Government of Bihar, Patna.
2. The Bihar State Election Authority, through its Secretary, 32, Harding Road, Patna.-800001
3. The Chief Election Officer, Bihar State Election Authority, 32 Harding Road, Patna- 800001
4. The District Co-operative Officer, Katihar.
5. The Assistant Registrar, Co-operative Societies, Katihar Circle, Katihar.
6. The Block Development Officer cum Election Officer, Azamnagar Fishermen Co-operative Society, Katihar.
7. Azamnagar Fishermen Cooperative Society Limited Azamnagar, Katihar through its Administrator Anil Kumar, Block Cooperative Extension Officer, Kadua Block, Katihar.
8. Balram Mandal, Son of Bhuttu Mahaldar, Resident of Village + P.O. + P.S. Azamnagar, District- Katihar.
9. Bhim Mandal, Son of Gopal Mandal, Resident of Village + P.O. + P.S. Azamnagar, District- Katihar.
10. Smt. Tultulli Singh, Wife of Balram Mandal, Resident of Village + P.O. + P.S. Azamnagar, District- Katihar.
11. Smt. Rekha Devi, Wife of Late Binod Mahaldar and Daughter of Bhuttu Mahaldar, Resident of Village + P.O. + P.S. Azamnagar, District- Katihar.
12. Smt. Soni Devi, Wife of Bhuttu Mahaldar, Resident of Village + P.O. + P.S. Azamnagar, District- Katihar.
13. Smt. Rani Devi, Wife of Prakash Mahaldar, Resident of Village + P.O. + P.S. Azamnagar, District- Katihar.
14. Satish Mahaldar, Son of Late Kashi Mahaldar, Resident of Village + P.O. + P.S. Azamnagar, District- Katihar.
15. Yogendra Mahaldar, Son of Late Kashi Mahaldar, Resident of Village + P.O. + P.S. Azamnagar, District- Katihar.
16. Haridas Mahaldar, Son of Kashi Mahaldar, Resident of Village + P.O. + P.S. Azamnagar, District- Katihar.
17. Janak Kumar Mahaldar, Son of Bhuttu Mahaldar, Resident of Village + P.O. + P.S. Azamnagar, District- Katihar.
18. Mithun Kumar Mandal, Son of Sudama Mandal, Resident of Village + P.O. + P.S. Azamnagar, District- Katihar.
19. Raju Singh, Son of Subhash Singh, Resident of Village- Porla, P.O. Porla,



P.S. Azamnagar, District- Katihar.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar, Advocate  
For the Respondent/s : Mr. Balram Kaprai, AC to SC- 26  
For the State Election Authority: Mr. Mukesh Kumar (Thakur), Advocate

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

**(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)**

3      01-02-2023                      Heard Mr. Mukesh Kumar, learned counsel for the  
  
petitioner, Mr. Mukesh Kumar (Thakur), learned counsel for the  
  
State Election Authority and Mr. Balram Kapri, learned AC to  
  
SC-26, for the State.

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

*“i) An appropriate writ or order or  
direction quashing the letter dated 06.07.2022  
(Annexure: 4) holding the same as illegal,  
arbitrary malafide and without jurisdiction be  
issued.*

*ii) An appropriate writ or direction  
quashing the order contained in letter no.  
22.11.2022 (Annexure: 7) declaring the same  
as illegal, arbitrary and without jurisdiction  
be issued.*

*iii) An appropriate writ or  
direction commanding the respondent 1<sup>st</sup> party  
specially the respondent no.6 to complete the*



*process of election from the stage at which it has been post pond within a time framed be issued.*

*iv) An appropriate writ or direction to which the petitioners are filed entitled to be issued.”*

3. It is submitted on behalf of the learned counsel for the petitioner that during pendency of the writ application the schedule of the election with regard to the Chairman and the Secretary has been issued vide notification no. 2285 dated 16.12.2022, which is also challenged by filing interlocutory application, bearing I.A. No. 1 of 2022.

4. At this juncture, Mr. Mukesh Kumar (Thakur), learned counsel for the State Election Authority submits that during pendency of the writ application, the election of the Secretary has already held and the result has been announced and as such any existing dispute, including, the dispute with regard to the wrong inclusion and exclusion of the members can be raised before the appropriate prescribed authority under the Act.

5. In view thereof and considering the subsequent development, the present writ application stands disposed off with a liberty to the petitioner to assail the result of the election before the prescribed authority.



7. It goes without saying that the petitioner is at liberty to raise all the points before the prescribed authority, as has been raised before this Court.

**(Ahsanuddin Amanullah, J)**

uday/-

**(Harish Kumar, J)**

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