

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4691 of 2024

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Rakesh Kumar Son of Baijnath Sharma Resident of Village- Sawajpura,
Police Station- Mehandia, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Cooperation, Govt. of Bihar, New Secretariat, Vikash Bhawan, Patna.
3. The Joint Registrar Cooperative Society, Magadh Division, Gaya.
4. The District Cooperative Officer, Arwal.
5. The Block Development Officer-Cum-Returning Officer, Kaler, Arwal.
6. The Block Cooperative Extension Officer, Kaler, Gaya.
7. The Bihar State Election Authority Through its Secretary 32 Harding Road, Patna.
8. The Chief Election Officer, Bihar State Election Authority, 32, Harding Road, Patna.
9. Guddu Sharma Father's name not known to the petitioner, R/o Hardia, P.S.- Mehandia, District- Arwal, at present Chairman Kaler, Vyapar Mandal Cooperative Society Ltd.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Singh, AAG-13
		Mr. Abhinav Alok, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2024 Heard the parties.

2. The present writ petition has been preferred for the
grant of following relief/s:-

*“That this is an application for issuance
of writ in the nature of mandamus for
commanding and directing the respondent
authorities to conduct a fresh Election of the*



*Managing Committee of the Kaler, VYAPAR
MANDAL COOPERATIVE SOCIETY,
(hereinafter referred to as "VYAPAR MANDAL")
as the present Managing Committee has not
been constituted in terms of the Bihar
Cooperative Society Act, 1935 (hereinafter
referred to as "Act") rules framed thereunder
and its by-laws and further the petitioner prays
of issuance of such other order or direction for
which the petitioner may be found legally
entitled to in the facts and circumstances
hereinafter."*

3. Learned State counsel appearing on behalf of the State Election Authority makes preliminary objection that the petitioner has the forum to challenge the Election before the Registrar Cooperative Society, Patna. He further submits that the same has to be preferred within a period of ninety days under Section 14 (6) of the Cooperative Society Act. However, the period of ninety days has lapsed inasmuch as the election took place on 30.01.2024.

4. Learned counsel appearing on behalf of the petitioner submits that he shall be filing a proper petition before the Registrar Cooperative Society, Bihar, Patna within a period



of four weeks.

5. This Court has taken note of the fact that the election took place on 30.01.2024 and the petitioner immediately came before this Court on 15.03.2024 which is within the ninety days period to file the petition.

6. Since, he was availing the remedy before the writ Court, in case he prefers petition in next four weeks from today, the respondent concerned shall take note of the fact that the petitioner was pursuing remedy before the writ Court within the mandatory period while disposing of his limitation petition.

7. Further, if the petition is preferred within four weeks after noticing and hearing all the parties the same should be taken up expeditiously and to be disposed of within a period of four months thereafter.

8. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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