

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4521 of 2023

1. Neelratan Kumar, Son of Parsuram Singh, Resident of Village-Ramnagar, P.O. Barhara, P.S. Ramgarh Chowk, District-Lakhisarai, the Chairman, Primary Agriculture Credit Cooperative Society Ltd, Surari Imannagar, Block-Ramgarh Chowk, Lakhisarai.
2. Ramgarh Chowk Prakhand Primary Vegetables Grower Cooperative Society Ltd. Ramgarh Chowk through its Chairman, Ragini Devi, female, aged about 41 years, wife of Mukesh Kumar, resident of Gram Ramnagar, Barhara Sirari, P.S. Ramgarh Chowk, District-Lakhisarai.
3. Ramgarh Chowk Prakhand Primary Beekeeping Honey Grower Processing and Marketing Cooperative Society Ltd., Ramgarh Chowk through its Chairman Urmila Devi, Female, aged about 43 years, Wife of Mahendra Paswan, Resident of Village-Bartara, P.S. Halsi, District-Lakhisarai.
4. Imranul Haque @ Md. Imranul Haque son of Md. Anwarul Haque, Resident of Surari Imam Nagar, P.S. Halshi, District-Lakhisarai, the erstwhile Chairman, Block Fisherman Cooperative Society Ltd. Ramgarh Chowk, Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Cooperative, Government of Bihar, Patna.
2. The Registrar Cooperative Societies, Bihar, Patna.
3. The Bihar State Election Authority, 32, Harding Road, Patna through its Secretary.
4. The Chief Election Officer, Bihar State Election Authority, 32 Harding Road, Patna.
5. The Advisor, Bihar State Election Authority, 32 Harding Road, Patna.
6. The District Officer, Lakhisarai-cum-District Election Officer (Cooperative Society) Lakhisarai.
7. The District Cooperative Officer, Lakhisarai.
8. The Block Development Officer-cum-Election Officer (Cooperative Societies), Ramgarh Chowk, Lakhisarai.
9. Ramgarh Chowk Vyapar Mandal Cooperative Societies Ltd., Ramgarh Chowk, District-Lakhisarai through its Manager.
10. The Administrator, Ramgarh Chowk Vyapar Mandal Cooperative Societies Ltd., Ramgarh Chowk, District-Lakhisarai-cum-The Cooperative Extension Officer.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Jha, Advocate.
For the Respondent/s : Mr.Manoj Kr. Ambastha (Sc26)
For the State Election Authority: Mr. Mukesh Kumar Thakur, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT



Date : 15-02-2024

Heard Mr. Rakesh Kumar Jha, learned counsel appearing on behalf of the petitioner; Mr. Manoj Kumar Ambastha, learned SC-26 for the State and Mr. Mukesh Kumar Thakur, learned counsel for the State Election Authority.

2. Learned counsel appearing on behalf of the petitioners submits that they will approach the State Election Authority for interfering with the voter list. Admittedly, the petitioners in the present writ petition have not brought on record the list of members nor the State Election Authority has brought on record to justify its action and has proceeded to pass order dated 09.02.2023. Petitioners claim themselves to be the member of the Society. In support, they have brought on record certain receipts issued on 07.12.2022. On perusal of one of the receipt no. 7860 issued with respect to the petitioner no.3, just for an example according to the petitioner, it appears that the same is not in accordance with the provision of bye-laws which prescribes for 10 rupees membership rather the receipt relates to number of shares possessed by the petitioner no.3. With respect to other petitioners, also the petitioners claim similar receipts have been brought on record. The petitioners are aggrieved by the order of the State Election Authority to the extent that no original records were called for and from the same it was not verified as to whether the petitioners are the valid members or



not.

3. Considering the submission made on behalf of the petitioner and the records, particularly the receipts, which have been brought on record seems to be inconsistent with the provision of bye-laws. The requirement of membership is Rs.10/- receipt. The petitioners may approach the State Election Authority so that the said Election Authority may proceed to pass fresh orders after affording due opportunity of hearing to all the affected parties upon calling records of the Society and the receipts book maintained with respect to the members.

4. The order contained in Memo No. 306 dated 09.02.2023 (Annexure-8) communicated by the Advisor, Bihar State Election Authority cannot be held to be well considered order and is hereby set aside and quashed. The State Election Authority is, therefore, required to pass fresh order in accordance with law.

5. The writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.02.2024
Transmission Date	N.A.

