

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2819 of 2025

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Gauri Shankar Upadhyay son of Ram Dev Upadhyay, resident of village-Dugupura, P.O.- Thakura, P.S.- Ramgarh, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Cooperative Department, Government of Bihar, Patna.
2. The Registrar, Cooperative Societies, Bihar, Patna.
3. The District Magistrate cum-District Election Officer (Cooperative), Kaimur at Bhabhua, District Kaimur at Bhabhua.
4. The District Cooperative Officer, Kaimur at Bhabhua, District Kaimur at Bhabhua.
5. The Block Development Officer, Nuaon, District Kaimur at Bhabhua.
6. The Block Cooperative Officer, Nuaon, District - Kaimur at Bhabhua.
7. The State Election Authority, Harding Road, Bihar, Patna through the Chief Election Officer.
8. The Chief Election Officer, The State Election Authority, Harding Road, Bihar, Patna.
9. The Secretary, The State Election Authority, Harding Road, Bihar, Patna.
10. Taraitha Primary Agriculture Credit Cooperative Society, through Block Cooperative Officer, Nuaon, District- Kaimur at Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.B.K. Manglam Mr. Awnish Kumar, Advocates
For the State	:	Mr. Standing Counsel 07
For the Election Authority:		Mr. Mukesh Kumar Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-03-2025 Heard learned counsel for the petitioner, learned

counsel for the State as well as learned counsel for the State

Election Authority.

2. The present writ petition has been filed for the

following reliefs:



“(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 28.01.2025 passed by the Respondent No. 8 and contained in his memo no. 304 dated 28.01.2025, whereby and whereunder the State Election Authority has been pleased to direct for inclusion of name of 540 members in the voter list of Traitha Primary Agriculture Credit Cooperative Society (hereinafter referred to as the PACCS) on the ground that if in pursuance of the notification of the State Election Authority dated 24.09.2024 no such member had come forward to file her claim for inclusion of his name in the voter list rather the claim is filed by the Chairman of Society which was rejected by the Returning Officer and the order of Returning Officer was not challenged before any competent authority, the Respondent State Election Authority does not have any jurisdiction to interfere in preparation of voter list of society in question.

(II) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the supplementary voter list published by the Returning Officer on 31.01.2025 contained the name of 540 new voters in view of the order dated 28.01.2025 passed by the State Election Authority on the ground that no opportunity has been granted by the Returning Officer for filing of objections against the supplementary voter list.

(III) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing



the Respondent Authorities to hold the election of Respondent Society on the basis of voter list finally published by the Returning Officer as per schedule contained in letter no. 1633 dated 24.09.2024 and conclude the election of Managing Committee at the earliest.

(IV) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. Learned counsel for the State Election Authority has taken a preliminary objection with regard to maintainability of writ petition and in view of the judgment rendered in the case of *Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Uptadak Sanstha and Another Vs. State of Maharashtra and Others*, reported in (2001) 8 SCC 509 and apart from that he has informed this Court that the election of the PACCS has already been concluded on 27.02.2025 itself.

4. Considering the aforesaid facts, no case is made out for interference in the matter by this Court.

5. It is, accordingly, dismissed.

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(Rajesh Kumar Verma, J)

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