IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18509 of 2014 With

I.A. No.8198 of 2014

Subedar Sahni, son of Sri Mahanthi Sahni, permanent address of Village-Dulaur, P.S.- Jandaha, District- Vaishali and presently residing at Mohalla-Jogipur, P.S.- Patrakar Nagar, District- Patna and presently Member of the Mithapur Tel Vikreta Riksha Chalak Sahyog Samiti Ltd. of Mohalla-Jogipur.

Petitioner/s

Versus

The State of Bihar.

- The Bihar State Election Authority through Chief Election Officer, 32, Harding Road, Patna-800001.
- Registrar, Cooperative Societies, Bihar, Patna.
- Joint Registrar, Patna Division, Patna.
- District Cooperative Officer, Patna.
- Block Development Officer -cum- Returning Officer, Patna Sadar,

.... Respondent/s

Appearance:

For the Petitioner/s Mr. Tuhin Shankar

Mr. Pandey S Sahay, SC-31 For the Respondent-State For the Intervenor Mr. Shankar Kumar Thakur

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN **ORAL ORDER**

3 25-11-2014

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Heard learned counsel for the parties.

The petitioner is aggrieved by an order bearing letter no.1893 dated 11.10.2014 passed by the District Cooperative Officer, Patna placed at Annexure-5 to the writ petition whereby a sum of Rs.76,521/- has been found outstanding against the petitioner and he has been declared a defaulter. The petitioner while making such prayer has also sought for an appropriate direction to the Block Development Officer -cum- Returning Officer, Patna Sadar, Patna to accept his nomination which was not being accepted in view of the said order.

The election has already taken place on 24.11.2014 and thus the relief in so far as non-acceptance of nomination is concerned has been rendered infructuous before this Court. However, the petitioner, if so advised, may question the non-acceptance of his nomination by taking recourse to the remedy that may be available to him under the provisions of the Bihar State Election Authority Act, 2008 read with the provisions of Bihar Cooperative Societies Act, 1935.

In so far as the order passed by the District Cooperative Officer is concerned, whereby the petitioner has been held defaulter the petitioner has statutory remedy available to him under the Bihar Cooperative Societies Act, 1935 and the Rules framed thereunder and he shall be at liberty to take recourse to the same, if so advised.

With the observations aforementioned, the writ petition and the interlocutory application are disposed of.

(Jyoti Saran, J)

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