

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21916 of 2014

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1. Amrendra Singh S/o Satrugan Singh, resident of Village + P.O. Naugadh, P.S. Aurangabad Muffasil, District Aurangabad.
 2. Niranjana Pratap Singh S/o Baldeo Singh, resident of Village + P.O. Naugadh, P.S. Aurangabad Muffasil, District Aurangabad.
 3. Md. Fakruddin S/o Md. Ismail, resident of Village Redia, P.O. Kakasia, P.S. Aurangabad Muffasil, District Aurangabad.
 4. Kavita Singh W/o Santosh Singh, resident of Village + P.O. Naugadh, P.S. Aurangabad Muffasil, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Co-operative Department, Bihar, Patna.
2. Bihar State Election Authority, Old Secretariat, Patna through its Deputy Secretary.
3. The Registrar Co-operative Societies Bihar, Patna.
4. The District Magistrate, Aurangabad, District Aurangabad.
5. The District Co-operative Officer, Aurangabad, Bihar.
6. The Block Co-operative Extension Officer, Naugadh, District Aurangabad.
7. The Assistant Registrar, Co-operative Societies, Aurangabad.
8. Managing Director, Central Co-operative Bank Ltd. Aurangabad, Bihar.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Radha Mohan Pathak, Advocate
For the Respondent/s : Mr. Ajeet Kumar, SC-28

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 01-10-2015 Heard Mr. Abhay Kumar Singh, learned senior counsel

for the petitioners, learned counsel for the State and Mr. Mukesh

Kumar Thakur for the State Election Authority.

The petitioners are members of the Naugadh Primary
Agriculture Credit Cooperative Society in the district of
Aurangabad and had initially questioned the order bearing Memo



No. 833 dated 01.12.2014 of the District Cooperative Officer, Aurangabad placed at Annexure-2 whereby in exercise of powers vested under Section 41 of the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as the 'Act'), the District Cooperative Officer while ordering for supersession of the Society had appointed an Administrator. The petitioners being aggrieved moved before the Joint Registrar, Cooperative Societies giving rise to Case No. 38 of 2014-15 and the Joint Registrar, Cooperative Societies vide order passed on 07.2.2015 in modification of the earlier order directed for suspension of the Society under Section 41(1) of the 'Act'. The order dated 07.2.2014 was circulated vide Memo No. 243 dated 11.2.2015 present at Annexure-E to the counter affidavit filed on behalf of the State Election Authority and as a consequence the District Cooperative Officer, Aurangabad vide Memo No. 435 dated 9.3.2015 suspended the Society and appointed a Special Officer as is manifest from the order of the District Cooperative Officer dated 10.6.2015 present at Annexure-F.

Mr. Singh, learned senior counsel appearing on behalf of the petitioner relying upon the proviso to Section 14(2) of the 'Act' submits that since the maximum period for which a society can be placed under suspension is six months and which has

expired since the passing of the order on 07.2.2015 hence the Managing Committee stands restored.

The writ petition was filed questioning an order of supersession which has now translated into an order of suspension under the orders of the Joint Registrar, Cooperative Societies vide order passed in Case No. 38 of 2014-15 which matter is yet pending for adjudication. In my opinion, since the matter is yet pending before the prescribed authority hence the petitioner can well raise the issue as raised herein before the authority concerned and who shall consider and dispose of the same in accordance with law.

The writ petition is disposed of.

(Jyoti Saran, J)

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