

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6114 of 1998

Durga Prasad Sah son of Sheetal Prasad Sah, resident of village-Gujjar Pokhar, PS-Kotwali, District-Munger.

.... Petitioner/s

Versus

The State of Bihar & Ors.

.... Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s : M/s Sandip Singh and Santosh Kumar, Advs.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-03-2015

The prayer has been made in the writ application, are
as follows:

- (i) *A writ in the nature of certiorari quashing the order dated 6.4.1998 (Annexure-5) passed by the respondent no. 2 be issued.*
- (ii) *An appropriate writ, order or direction commanding the respondents first party and the Society (respondent No. 6) to issue share certificates to the petitioner and 451 other persons within the time fixed by this Hon'ble Court, be issued.*

By annexure-5, the Registrar Co-operative Societies, Bihar, Patna in Dispute Case No. 100 of 1979 has held, is as follows:

"In view of the above, on balance, I do not



find sufficient proof to deny multiple share holding by the 211 old members in a manner as to subscribe to all the authorities shares by 16.7.75; or conversely I hold that 452 were not available on the appointed dated i.e. 18.7.75 for distribution to the applicants. In view of this finding the application of membership of the 452 applicants must necessarily awaited the enhancement of authorised share capital through the amendment of the bye-law of the society in accordance with law. Such amendment is the prerogative of the general Assembly which is directed to be convened within 2 months of the receipt of this order to consider the issue of enhancement of authorised share capital.

In view of the above findings case No. 170/92 is too disposed off as dismissed. Similarly, case No. 313/96 which is with regard to cancellation of the admission of 32/33 new members to the society is allowed and the membership of these 32/33 new members cancelled since at the relevant point of time no shares were available for distribution to them and in such condition new members could not be

enrolled. The applications of these persons too will be considered afresh after General assembly of the Society comprising of the 211 old members decides to enhance the authorised share capital.”

As no one is challenging this finding before this Court, it is a very old matter and there is no one to inform this Court the latest position of the society as on today. In such view of the matter, this petition is hereby dismissed.

(Shivaji Pandey, J)

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