

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18160 of 2015

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Akhilesh Kumar Singh @ Akhilesh Singh son of Sri Keshav Singh resident
of village Dadvan Anchal Mohania Distict Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Cooperative
Department government of Bihar, Patna.
2. The Registrar Cooperative Societies Bihar, Patna.
3. The District Magistrate Kaimur, at Bhabhua.
4. The District Cooperative Officer Kaimur, at Bhabhua.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
Mr. Chandan Priyadarshi

For the Respondent/s : Mr. Ajit Pratap Singh, SC-15
Mr. S.K. Ranjan, AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 27-11-2015 Heard Mr. Sanjeev Kumar Mishra, learned counsel
appearing on behalf of the petitioner and learned counsel for the
State.

The petitioner prays for appropriate direction to the
authorities of the Cooperative Department including the Registrar,
Cooperative Societies to order for amalgamation of the Primary
Agriculture Credit Cooperative Societies that are in operation in
the Gram Panchayat, Mohania as well as Gram Panchayat,
Dandwa in the District of Kaimur upon merger of the two
Panchayats to form Nagar Panchayat Mohania.

Mr. Mishra, learned counsel appearing on behalf of the
petitioner with reference to a circular of the Cooperative



Department dated 26.5.2008 has submitted that in view of the stipulation underlying Section 44AQ(2)(a) of the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as 'the Act'), it stands clarified that there would be only one Primary Agriculture Credit Cooperative Society operating within an area of the Panchayat and that appropriate action would have to be taken by the authorities of the Cooperative Department for either dissolution or amalgamation of the societies operating within the said Panchayat. He submits that though steps in this regard have also been taken as manifest from the order of the Registrar, Cooperative Societies bearing memo No. 7477 dated 24.11.2009 but this exercise has evaded the case of the two Panchayats namely Mohania and Dandwa who now form Nagar Panchayat, Mohania after its transition as a Nagar Panchayat. According to Mr. Mishra once Gram Panchayat, Mohania and Gram Panchayat Dandwa have now merged to form Nagar Panchayat, Mohania under the Bihar Municipal Act 2007, then in view of the stipulations present in the circular of the Cooperative Department dated 26.5.2008, steps have to be taken by the authorities of the Cooperative Department for amalgamation of the Primary Agriculture Credit Cooperative Societies that are in operation in the two Gram Panchayats. Mr. Mishra however even while

canvassing the issue fairly concedes that the attention of the department has not been drawn to this aspect by the petitioner.

Having heard learned counsel for the parties and considering the issue so raised as well as the fact that the issue raised has never been addressed before the department by the petitioner, this writ petition is disposed of with the liberty to the petitioner to raise the issue before the Registrar, Cooperative Societies along with the supportive documents and it goes without saying that any such representation shall be considered and disposed of by Registrar, Cooperative Societies in accordance with law and after giving an opportunity of hearing to the petitioner as well as the office bearers concerned of the Primary Agriculture Credit Cooperative Societies in operation within the Gram Panchayat Mohania and Dandwa, expeditiously and preferably within three months of filing of such application.

(Jyoti Saran, J)

S.Sb/-Deepika

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