

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17654 of 2015

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1. Braj Bhushan Sharma, S/o Sri Suresh Singh.
 2. Rajesh Ranjan, S/o Late Jayendra Prasad Singh.
 3. Jang Bahadur Sharma, s/o Late Ramroop Singh.
 4. Indradeo Sharma, S/o Shiv Prasad Singh.
 5. Sushil Kumar Tyagi, S/o Late Surendra Sharma.

All are residents of village + P.O. - Shamsheer Nagar, P.S. -
Daudnagar, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Co-operative Department, Government of Bihar, Patna.
2. The Registrar, Co-operative Society, Bihar, Patna.
3. The Joint Registrar, Co-operative Society, Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The District Co-operative Officer, Aurangabad.
6. The Block Co-operative Officer, Daudnagar, aurangabad.
7. The Administrator, PACS, Shamsheer Nagar (Daudnagar) Aurangabad.
8. Ajay Kumar Sharma, Ex-Chairman, PACS, Shamsheer Nagar (Daudnagar), Aurangabad.
9. Abhishek Kumar, S/o Ajay Kumar Sharma, Assistant Manager PACS, Shamsheer Nagar (Daudnagar), Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary
Mr. Shanti Kumar
Mr. Baban Kumar

For the Respondent/s : Mr. Santosh Kumar, AC to GP-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 24-11-2015

Heard the parties.

The petitioners pray for a direction to the respondent Nos.3 and 5 i.e. the Joint Registrar, Cooperative Societies, Bihar, Patna and the District Cooperative Officer, Aurangabad to take action against the private respondents who are the erstwhile Chairman and Assistant Manager of Shamsheer Nagar Primary Agricultural Credit Cooperative Society under section

45 and 45-B of the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as 'the Act').

Mr. Dhananjay Kumar Tiwary, learned counsel appearing for the petitioners submits that on an application filed by the petitioners before the Joint Registrar, Cooperative Societies that an enquiry was conducted and the complaint was upheld and directions were issued to the District Cooperative Officers, Aurangabad to take appropriate action under the provision of section 45B and 45 of the Act. The grievance of the petitioners is that despite such directives issued on 2.2.2015 by the Joint Registrar yet no follow up action has been taken and hence this writ petition.

Even while making such submission Mr. Tiwary, learned counsel appearing for the petitioners could not point out before this Court whether the complaint was filed by the petitioners under section 48 of 'the Act' before the Registrar or it has been directly filed before the Joint Registrar for in view of the stipulation provided under section 48 of 'the Act' which exclusively vests jurisdiction in the Registrar to adjudicate on any such complaint engaging the members of the cooperative societies or to refer the matter to any other authority who has been notified to discharge the duties of a Registrar, it would not

vest jurisdiction in any such authority to suo-motu exercise such powers.

In the circumstances and in absence of any such document placed on record demonstrating that such complaint was filed before the Registrar, the writ petition stands disposed of leaving it open for the petitioners to raise their grievance before the Registrar under section 48 of 'the Act' and it goes without saying that any such application so filed by the petitioners would be considered and disposed of by the Registrar, Cooperative Societies either by himself or by delegation to any other authority so notified to discharge the duties of the Registrar, in accordance with law but only after giving an opportunity of hearing to the private respondents.

The writ petition is disposed of.

(Jyoti Saran, J)

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