

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8537 of 2014

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Anil Kumar, son of Ram Chandra Goswami, Resident of 405, Aashu Enclave, Eshwar Palace, Ara Garden Road, Jagdeopath, P.S. - Shastrinagar, District - Patna.

..... Petitioner

Versus

1. The Union of India through Ministry of Railways, Govt. of India, New Delhi.
2. The Chief Commercial Manager/Catering East Central Railway, Hajipur.
3. The Assistant Commercial Manager/Catering, East Central Railway, Hajipur.
4. The General Manager (C) East Central Railway, Hazipur
5. M/S Gujarat Co-operative Milk Marketing Federation Ltd., Shanta Sadan, 1st Floor, East Boring Canal Road, Patna through its Branch Manager.
6. The Branch Manager, M/S Gujarat Co-operative Milk Marketing Federation Ltd. Shanta Sadan, 1st Floor, East Boring Canal Road, Patna.
7. M/S Gujarat Co-operative Milk Marketing Federation Ltd., Godown - 5, Krishi Utpadan Bazar Samiti, Terminal Market Yard, Pandra, Ranchi, through its Branch Manager.
8. The Branch Manager M/S Gujarat Co-operative Milk Marketing Federation Ltd. Godown - 5, Krishi Utpadan Bazar Samiti, Terminal Market Yard, Pandra, Ranchi.

..... Respondents

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Appearance:

For the Petitioner : Mr. Sri Prakash Srivastava, Advocate
Mr. Onkar Nath, Advocate

For the Resp. Railway : Mr. Naresh Dikshit, Advocate

For the Resp. Nos. 5 to 8: Mr. Mukesh Kumar No. 1, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-07-2016

Heard learned counsel for the petitioner and learned counsel

for the Respondents.

2. This writ petition has been filed by the petitioner who is aggrieved by the non-allotment of milk booths by respondent Nos. 5 to 8 despite the petitioner having made payments on their behalf to the respondent No. 1 to 4.

3. At the very outset, learned counsel for the respondent nos. 5 to 8 raises a preliminary objection that the main relief has been sought by the writ petitioner against a Federation registered under the Gujarat Co-operative Societies Act, which is not a State within the meaning of Article 12 of the Constitution of India. It is thus submitted that the present writ petition is not maintainable.

4. In para 4 of the rejoinder filed by the petitioner, it has merely been asserted that the Gujarat Co-operative Milk Marketing Federation Ltd. is a registered society and thus can come under the purview of Article 12 of the Constitution of India. This Court is not satisfied with the stand of the petitioner who has failed to demonstrate that the respondent nos. 5 to 8 are amenable to the writ jurisdiction of this Court, particularly in view of the Special Bench decision of this Court in 2014 (1) PLJR 695 (*The Organizer, Dehri C.D. & C.M. Union Limited vs. The State of Bihar and Others*).

5. In the above view of the matter, the writ petition stands dismissed. It is, however, made clear that the present judgment shall not stand in the way of the petitioner in seeking appropriate relief

before any forum as may be available to him in accordance with law.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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