

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11723 of 2015

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1. Raghuvansh Singh, Son of Late Jankadhari Singh, Vill + P.O. - Ughani, P.S. - Chenari, District - Rohtas.
 2. Ashutosh Kumar Kahar, S/o Kanhaiya Kahar, R/o - Vill - Bairiyan P.O. - Mamrejpur, P.S. - Chenari, District - Rohtas.
 3. Hridya Singh, S/o Sant Prasad Singh, Vill + P.O. - Ughani, P.S. - Chenari, District - Rohtas.
 4. Malti Devi, W/o Munshi Ram, Vill - Bairiyan, P.O. - Mamrejpur, P.S. - Chenari, District - Rohtas.
 5. Sarita Devi, W/o Rajendra Ram, Vill - Bairiyan P.O. - Mamrejpur, P.S. - Chenari, District - Rohtas.
 6. Buwa Devi, W/o - Sardar Ram, Vill - Bairiyan P.O. - Mamrejpur, P.S. - Chenari, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The Registrar, Co-operative Societies Bihar, Patna.
3. District Co-operative Officer, Rohtas at Sasaram.
4. The Chief Election Officer, Bihar State Election Authority, 32 Harding Road, Patna.
5. Ughani Primary Agriculture Credit Co-operative Society Ltd., Ughani, in Short "Ughani PACS" under Chenari Block, District - Rohtas, through its PACS Manager.
6. Indrajit Singh, S/o Krishna Singh, R/o - Vill - Ughani, P.S. - Chenari, District - Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Ishwari Singh with Mr. Surendra Kumar Mishra, Advocates.
For the State	:	Mr. Syed Hussain Majeed, AC to SC-6
For the Private respondents no. 5 and 6 :	:	Mr. H. N. Sinha, Advocate
For the respondent no. 4	:	Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-11-2016

Heard learned counsel for the parties.

The brief facts of the case are that due to resignation
of the majority of the members of the concerned Ughani Primary



Agriculture Credit Society (hereinafter referred to as the 'PACS'), in the District of Sasaram, the District Co-operative Society, Rohtas had passed an order superseding the Managing Committee and appointing an Administrator. The Registrar Co-operative Societies had interfered in the order and pursuant to that the District Co-operative Officer, Rohtas had withdrawn the order superseding the Committee and appointing an Administrator. The same is under challenge before this Court.

Learned counsel for the petitioners referred to a Division Bench order of this Court in the case of **Indradeo Prasad & Ors. vs. The State of Bihar & Ors.** in L.P.A. No. 2029 of 2015 dated 11.11.2016, by which it has been held that when the majority of the members of the Managing Committee resign, the same is liable to be superseded under Section 41(5) of the Bihar Co-operative Societies Act, 1935.

In view of the aforesaid, the writ application is allowed. The original order of the District Co-operative Officer contained in Memo No. 1152 dated 19.12.2014 by which the Managing Committee has been superseded and an Administrator appointed stands restored and the subsequent orders of the Registrar dated 23.06.2015 as well as that of the District Co-operative Officer, Rohtas dated 10.07.2015 are quashed.

Accordingly, the respondent no. 3 shall take necessary steps for Constitution of a fresh Managing Committee in accordance with law, expeditiously.

(Ahsanuddin Amanullah, J.)

P. Kumar

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