

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17682 of 2014

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1. Board of Directors of Barauni Co-operative Cold Storage Ltd., Barauni - 3, P.O. Barauni Dewarhi, P.S. Tegra, District - Begusarai, through its Hon. Secretary, Parmanand Singh
 2. Parmanand Singh S/o Late Ramlakhan Singh R/o village- Barauni- 1, P.S. Teghra, District - Begusarai, Honble Secretary, Barauni Co - Operative Cold Storage Ltd., Barauni, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Co - Operative Department, Govt. of Bihar, Patna
2. The Registrar, Co - Operative Societies, Bihar, Patna
3. District Audit Officer, Co - Operative Societies, Begusarai
4. The Sub Divisional Audit Officer, Co - Operative Societies, Begusarai
5. The Senior Audit Officer, Co - Operative Societies, Begusarai
6. Amrendra Kumar S/o Late Jangi Lal Sah R/o Moh.-Mirzapur Ganj, P.O. Vidyapati Nagar, Town AND District - Samastipur

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ishwari Singh, Advocate
For the Respondent/s : Mr. S.A. Alam, SC-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-01-2016

A rejoinder is being filed to the counter affidavit. Let it be kept on record.

Heard Mr. Kaushalesh Chaudhary, learned counsel for the petitioner, counsel for the State and Mr. Rakesh Kumar Jha for the private respondent.

The petitioner is aggrieved by the proceedings initiated by the Registrar, Cooperative Societies on an application filed by the private respondent giving rise to Miscellaneous Case No. 120 of 2013.



According to Mr. Chaudhary the private respondent being a non-member, he cannot invoke the jurisdiction of the Registrar under Section 48 of the Bihar Cooperative Societies Act (hereinafter referred to as 'the Act'). He refers to a judgment of the Supreme Court reported in AIR 1962 SC 389 and AIR 1967 SC 1367 to support his submissions.

Contesting the argument of Mr. Chaudhary it is argued by Mr. Jha appearing for the private respondent that apart from the fact that Explanation-I of Section-48 of 'the Act' does not completely prohibit a non-member from invoking the jurisdiction but insofar as the present case is concerned, it is in the light of the statutory prescriptions underlying Rule 57(2) of the Bihar Cooperative Societies Rules, 1954 framed under 'the Act'. He submits that the petitioner has prayed for a revision of the audit and which prayer of the petitioner has been accepted by the Registrar, Cooperative Societies to register the case in question. He submits that this matter has been made analogous to a Miscellaneous Case also filed by the petitioner herein giving rise to Revision Case No. 170 of 2015.

Be that as it may, considering the nature of jurisdiction invoked by the private respondent as vested in the Registrar under Rule 57(2), I find no infirmity to interfere with the proceedings so registered by the Registrar to entertain the prayer made by the private

respondent at this stage.

The writ petition is disposed of.

The petitioner shall be at liberty to raise all issues as raised herein during the course of the proceedings before the Registrar.

(Jyoti Saran, J)

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