

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12992 of 2015

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1. Mohammad Irfan, Son of Md. Ismail, Resident of Village- Sunpatha,
P.O.- Mursapur, P.S.- Lokhi, Block- Lokhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar, through D.M. Madhubani.
2. D.C.O., Madhubani, District Cooperative Officer, Madhubani.
3. Sub Divisional Officer, Fulparash, Dist- Madhubani.
4. Circle Officer, Lokhai, Dist.- Madhubani.
5. Block Cooperative Extension Officer, Laukhi, Dist.-Madhubani.
6. Officer Incharge, Laukahi Police Station, Dist.-Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali,Adv.
For the Respondent/s : Mr. Kumari Amrita, GP10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

8 29-02-2016 Heard Mr. Md. Shahnawaz Ali, learned counsel for the
petitioner and learned counsel for the State.

The petitioner is aggrieved by the order bearing Memo No. 209 dated 30.5.2014 of the Sub Divisional Officer, Phulparas whereby restraint order was issued to the petitioner from carrying out construction work of the godown cum rice mill cum gasifire on a plot bearing Khata No. 275 bearing Plot No. 1802 admeasuring 1 bighas 16 kathas and 16 dhurs of which 0.87 was being utilized by the petitioner as the Chairman of the Jhahuri Primary Agriculture Credit Cooperative Society, Phulparas in the district of Madhubani. This matter was taken up for consideration



on several dates and this Court not being satisfied by the response of the District Authorities, directed the District Magistrate, Madhubani himself to examine the matter and respond to the issues raised vide order passed on 23.11.2015. It is thereafter that a supplementary counter affidavit has been filed by the District Cooperative Officer duly authorized by the District Magistrate, Madhubani and in paragraphs 10 to 12 of the counter affidavit it has been mentioned that although permission was granted for the constructions but since certain allegations were raised that a restraint order was issued. It is next stated that since the police has submitted a final form in the matter that the restraint order bearing memo No. 209 dated 30.5.2014 impugned at Annexure-17 has since been withdrawn. It is further stated that the petitioner is the erstwhile Chairman of the Society hence he cannot seek any further directions.

Mr. Ali tried to espouse the cause of the petitioner inter alia on grounds that the contract having been entered with the petitioner as a Chairman of the Society, he would be within his rights to complete the project but in my opinion, the submission is completely fallacious for the petitioner was only discharging the duties in making the constructions as the Chairman of the Society and which work would be carried on by the incumbent holding the

post presently. The petitioner having been defeated can seek no enforceable right on that ground.

In view of the order present at Annexure-1 of the supplementary counter affidavit withdrawing the restraint order, nothing further survives in the present writ petition which is accordingly disposed of.

(Jyoti Saran, J)

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