

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16318 of 2014

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Santosh Kumar Singh Son of Shri Radhey Singh resident of village and Post Mahmada, Block Bhagwanpur Hat, P.S. Bhagwanpur, District - Siwan, PIN 841406

.... Petitioner/s

Versus

1. The State of Bihar represented through the Secretary, Cooperative Department, Government of Bihar, Patna
2. The Registrar, Cooperative Societies, Government of Bihar, Patna
3. The Joint Registrar, Cooperative Societies, Saran Division, Chapra
4. The District Cooperative Officer, Siwan
5. The District Magistrate, Siwan
6. The Mahmada Primary Agriculture Credit Society, Block Bhagwanpur Hat, District-Siwan represented through its Chairman
7. Shri Satyendra Singh son of Late Chandrama Singh presently posted as the Chairman of Mahmada Primary Agriculture Credit Society, Block:Bhagwanpur Hat, District-Siwan
8. Smt. Usha Kumari wife of Satyendra Singh presently posted as the Manager of Mahmada Primary Agriculture Credit Society, Block-Bhagwanpur Hat, District-Siwan

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Kumar Ravish, Advocate

For the Respondent/s : Mr. Ashok Kumar Keshri, AAG-11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-01-2016 Heard Mr. Kumar Ravish for the petitioner and Mr. Ratandeep Kumar, learned Assisting Counsel to AAG-11 for the State.

The petitioner is aggrieved by the order dated 25.8.2014 of the District Cooperative Officer whereby the membership granted to the petitioner to the Mahmada Primary Agriculture Credit Cooperative Society vide order passed on 30.7.2014 stands recalled. The petitioner also prays for quashing the order dated

16.8.2013 whereby the membership of the petitioner to the society in question had earlier been cancelled.

A counter affidavit is on record and paragraph-6 of the counter affidavit refers to Rule 11 of the Bihar Cooperative Societies Rules, 1959 framed under the Bihar Cooperative Societies Act, 1935 to submit that once a member is expelled from the membership by a society it stays in operation for a period of two years and since the petitioner had been expelled on 16.08.2013 which fact he had suppressed from the authority hence the membership granted to him vide order passed on 30.7.2014 being in violation of the statutory prescriptions, has been recalled by the impugned order dated 25.8.2014.

Mr. Kumar Ravish while not disputing the statutory stipulations relied upon by the respondents to justify the impugned order submits that admittedly the period of two years since the order of cancellation of membership passed on 16.8.2013 stands elapsed hence the petitioner may be afforded opportunity to re-agitate his matter before the authority concerned and who may be appropriately directed to consider the case.

In my opinion, the submissions made by Mr. Kumar Ravish in the backdrop of the stand taken by the respondents is acceptable and in the circumstances the writ petition is disposed of

reserving liberty with the petitioner to seek his remedy for grant of membership before the appropriate authority and which shall be considered by the authority concerned on its own merit and disposed of in accordance with law within three months from the date of filing of such application.

(Jyoti Saran, J)

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