

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16978 of 2014**

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Ram Dulari Devi, W/o Panchaila Sahu, Resident of Village and P.O.-  
Vishaul, P.S. - Harlakhi, District - Madhubani. At present residing at 201,  
Usha Enclave, P.O. - Hanuman Nagar, P.S. Patrakar Nagar, District- Patna.  
..... Petitioner/s

Versus

1. The State of Bihar, through the District Collector, Patna.
2. The Registrar, Co-operative Societies, Bihar, Patna.
3. The Joint Registrar, Co-operative Societies, Patna Division, Patna.
4. The Assistant Registrar, Co-operative Societies, Patna Circle, Patna.
5. The Executive Magistrate, Patna Sadar, Patna.
6. The Sub Divisional Magistrate, Sadar, Patna.
7. The Secretary, Sri Ram Nagari Sahkari Grih Nirman Samitee, Office at  
Punaichak, Devi Asthan, H/O Dhaneshwar Yadav, P.O. - Punaichak,  
P.S. - Shastri Nagar, Patna - 23.
8. Lagan Devi, W/o Shri Dudhnath Upadhyaya, Resident of Ram Nagari  
Sector - 3/C, P.O. Ashiana Nagar, P.S. - Rajeev Nagar, District- Patna-  
25.

..... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rambali Jha  
Mr. Jainendra Kumar Pushkar  
For the Respondent/s : Mr. Satyadeo Kumar, SC-5

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2      05-01-2016      Heard the parties.

The petitioner is aggrieved by the order dated  
17.9.2011/7.10.2011 passed by the Joint Registrar, Cooperative  
Societies, Patna Division, Patna in Miscellaneous Case No.11 of  
2007, whereby the sale-deed executed by the respondent-  
cooperative society in favour of the petitioner on 20.11.2003  
bearing Sale-Deed No.11655 has been set aside.

It is argued by Mr. Rambali Jha, learned counsel  
appearing for the petitioner that whereas the private respondent



who was the applicant before the Joint Registrar, Cooperative Societies was allotted plot no.12 while the petitioner was allotted plot no.19 by the housing cooperative society but by misrepresentation of facts, the private respondent has been able to persuade the Joint Registrar, Cooperative Societies to question the sale-deed executed in favour of the petitioner and which has been nullified by the impugned order.

On query that the order impugned is dated 17.9.2011/7.10.2011 and the writ petition has been filed after some delay, it is submitted by Mr. Jha that since the order was never communicated to the petitioner, she was not aware of the same and it is only when the petitioner went to deposit the rent and the Revenue Karmchari refused to accept the rent that she became aware of the impugned order and hence this writ petition.

I have heard learned counsel for the parties and I have perused the records.

Section 48(6) of the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as 'the Act') makes the order impugned in this writ petition appealable before the Registrar, Cooperative Societies and the petitioner without exhausting the appellate remedy so available to her under 'the Act' has moved this Court.

In the circumstances, this writ petition is disposed of with liberty to the petitioner to exhaust the appellate remedy so available to her in law before invoking the writ jurisdiction of this Court.

Should the petitioner file an appeal along with a petition for condonation of delay within a period of four weeks from today that the same shall be considered on its own merits and disposed of in accordance with law.

**(Jyoti Saran, J)**

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