

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8195 of 2017**

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Dr. Pramod Kumar Verma Son of Late Rama Kant Verma, Resident of Plot No.224'A" Patliputra Coloney, P.S.- Patliputra, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chife Secretary Goverment of Bihar, Patna.
2. The Princepal Secretary, Department of Co-operative, Government of Bihar, New Secretariat, Patna.
3. The Registrar, Co-operative Societies, Bihar, New Secretariat, Patna.
4. The Deputy Registrar, Co-operative Societies, Bihar, New Secretariat, Patna.
5. Mohammed Nasim, Son of Late Mohammed S.M. Jaili Quashmi, Resident of 291, Patliputra Colony, P.S.- Patliputra Town & District- Patna-800013.
6. The Patliputra Co-oprative Colony, House Construction Society Ltd. through its Honorary Secretary, Patliputra Colony, P.S.- Patliputra, Town & District- Patna-800013.
7. Gyan Shankar, Son of G.S. Prosad, Resident of 75, Patliputra Colony, Patna-800013.

.... .... Respondent/s

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**Appearance :**

|                      |   |                                        |
|----------------------|---|----------------------------------------|
| For the Petitioner/s | : | Mr. Amit Shrivastava, Adv.             |
| For the Respondent   | : | Mr. Binod Kumar, Adv.                  |
|                      |   | Mr. Ranjan Kr. Srivastava, Adv         |
| For the State        | : | Syed Md. Nazamul Bari, A.C. to S.C. 20 |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

5      08-11-2017                      Heard Mr. Amit Srivastava, counsel appearing on behalf of the petitioner, State and Mr. Binod Kumar appearing on behalf of the respondent no.5.

On 1.6.2017 the court noticing the fact that the order was passed without compliance of the principle of natural justice, issued notice to respondent nos. 3 to 7 and in the meanwhile,



stayed the operation of the order of dated 16.5.2007 and consequential order contained in Annexure P/1 and P1/'A' dated 20.5.2017.

Today on behalf of the State a counter affidavit has been filed and Mr. Amit Srivastava appearing on behalf of the petitioner has filed reply to the I.A. filed by the respondent no.5

Counsel appearing on behalf of respondent no.5 has submitted that notice was issued to the writ petitioner and as such the writ petitioner was not fair in submitting that he was not provided opportunity of hearing. However he has not been able to establish that notice reached the petitioner and the petitioner avoided participation in the proceeding despite notice.

In view of the fact that order which adversely affect the petitioner was passed without giving opportunity of hearing, the court proposes to remit the matter back for decision afresh by the respondent no.3 as the court is satisfied from the pleadings of the parties that the petitioner was not given opportunity of hearing before passing the order which adversely affect the petitioner.

Accordingly, the order contained in Annexure-P/1 and P1/'A' dated 16.5.2017, 20.5.2017 and 20.5.2017 respectively are quashed and the matter is remitted back to the respondent no.3 to hear the parties and pass a fresh order after hearing all the



necessary party.

It is needless to state here that respondent no.3 will pass order in accordance with law after affording opportunity to the petitioner and all other persons whose interest are involved in the present dispute.

The parties before this court agrees that they will appear before the respondent no.3 on 22<sup>nd</sup> December, 2017 and on that date the respondent no.3 will fix a date of hearing and after hearing the parties, respondent no.3 will pass afresh order in accordance with law.

With the aforesaid observation, the application stands allowed to the extent indicated above.

**(Anil Kumar Upadhyay, J)**

Ravi/-

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