

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1320 of 2017
IN
Civil Writ Jurisdiction Case No. 13264 of 2017**

=====

The Barauni Co -Operative Cold Storage Ltd. through its Manager namely Madan Mohan Singh, son of Late Ram Lakhan Singh, Resident of Village- Pattal Bigha, P.S. Narhat, District- Nawada.

.... Appellant/s

Versus

1. The Bihar State Election Authority through its Secretary, 32, Harding Road, Patna- 800001.
2. The State of Bihar through the Registrar, Co-operative Societies, Bihar, Patna.
3. The District Magistrate-cum- District Returning Officer (Co-operative Societies) Begusarai.
4. The Sub Divisional Officer, Sadar, District Begusarai.
5. The District Co-operative Officer, Begusarai.
6. The Block Development Officer-cum- Returning Officer, Teghra, District Begusarai.
7. The Block Development Officer, Barauni, District- Begusarai.
8. Amarjeet Kumar, son of Late Krishna Kumar Azad, Resident of Village- Baraun-3, P.O. Barauni Devadhi, P.S.- Teghra, District- Begusarai.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Kaushalesh Choudhary
For the State : Mr. Raj Ballabh Pd. Yadav, AAG 11
For the State Election Authority : Mr. Mukesh Kumar
For Respondent No. 8 : Mr. Vijay Vassayan

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-10-2017

We are of the considered view that Manager is a paid employee of the Society and is not authorized to file any writ petition or appeal on behalf of the Society unless the Managing Committee of the Association as per the statutory provisions managing the affairs of the Society empowers a paid employee to do



so. In this case, no competent authority empowered under law has authorized the appellant to file this appeal and, therefore, this appeal is liable to be dismissed on this ground alone.

Merely because the Manager is impleaded as a party, i.e. Co-operative Society through the Manager, which is an error committed by the petitioner in nomenclature that does not bestow the Manager to become an authorized officer of Society empowered in law to file an appeal on behalf of Society a creation of Statute.

The appeal is accordingly dismissed as not maintainable at the instance of the present appellant.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18/10/2017
Transmission Date	N.A.

