

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1199 of 2015

IN

Civil Writ Jurisdiction Case No. 1269 of 2011

=====

Indu Kumari W/o Sri Kapildeo Kunwar R/o Village- Fakhrurai Ka Tola (Tola Fakhrurai), P.O. - Tola- Fakhrurai, P.S.- Bairiya, District - Ballia, State- Uttar Pradesh.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department of Bihar Vikash Bhawan, Patna.
2. The Registrar, Co-operative Department, Government of Bihar Vikash Bhawan, Patna.
3. The Director General -cum-Inspector General of Police, Bihar, Old Secretary, Patna.
4. The District Magistrate, Patna
5. The Senior Superintendent of Police, Patna.
6. The Station House Officer, Rupaspur, District - Patna
7. The Secretary, Bitta Bibhag Karamchari Sahkari Grih Nirman Samiti Ltd., Birla Colony, Phulwarisharif, Patna.
8. Kumkum Singh Wife of Raushan Kumar Singh
9. Raushan Kumar Singh Son of not known, both resident of village and P.O.- Barail, P.S. and District - Supaul
10. Bina Sharma Wife of Bharat Kumar Sharma
11. Bharat Kumar Sharma both resident of village and Post office- Phatahpur, P.S.- Nath Nagar, District - Bhagalpur.
12. Rupam Jha Wife of Jai Prakash Jha R/o Village- Rajpur Sanri, Post - Bhagalpur, P.S.- Tarapur, District- Munger.

.... Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Dinu Kumar Advocate
For the Respondent/s	:	Mr. Ravi Ranjan AC to SC-22
For the Respondent No. 8, 9 & 12:	:	Dr. Sanjay Kumar Singh Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 08-08-2017

Heard counsel for the appellant, counsel for the State



and private-respondents.

The refusal of the Learned Single Judge to exercise discretion under Article 226 of the Constitution of India in view of statutory provision of a codified Act, especially Section 48 of Bihar State Co-operative Societies Act, 1935, as amended from time to time, is no error in law, which is required to be rectified in appeal. The appellant still has remedy available in terms of the direction and the indulgence given by the Learned Single Judge.

Appeal is dismissed with an observation that the appellant can still avail the opportunity.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	10.08.2017
Transmission Date	

