

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12197 of 2012

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Vaishali Cooperative Housing Society Ltd. 104, Neelgiri Bhawan, West Boring Canal Road, Police Station- Srikrishnapuri, District Patna, through Sri Raj Kumar, Chairman.

.... Petitioner/s

Versus

1. The State of Bihar the Additional Registrar, Co-operative Societies, Bihar, Patna.
2. The Bihar State Housing Co-operative Federation Ltd, Lalit Bhawan, Jawahar Lal Nehru Marg, Patna 800001 through its Managing Director.
3. The Managing Director, Bihar State Housing Co-operative Federation Ltd, Lalit Bhawan, Jawahar Lal Nehru Marg, Patna 800001
4. The District Magistrate, Patna Cum Liquidator, Bihar State Housing Co-operative Federation Jawahar Lal Nehru Marg, Patna 800001
5. Ministry of Agricultural departmenty of Co-opearative Government of India through the Central Registrar, New Delhi.

.... Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Janardan Prasad Singh, Sr. Advocate Mr. Deepak Kumar, Advocate
For the State	:	Mr. Rakesh Kr Samrendra, SC-21 Mr. Alok Kumar, Advocate
For the U.O.I.	:	Mr. S.D. Sanjay, A.S.G. Mr. Kumar Priya Ranjan, .C.G.C.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 21-08-2017

Heard Mr. Janardan Prasad Singh, learned senior counsel
along with Mr. Arvind Kumar Singh, learned counsel for the
petitioner and Mr. S.D. Sanjay, learned Additional Solicitor General
along with Mr. Kumar Priya Ranjan, learned counsel for the Union
of India.

2. Learned counsel for the Union of India submitted that



he shall also represent respondents no. 2 and 3 in the present case.

3. It appears that the matter was heard at length on 18.08.2016 and taking a conscious decision, the Court had directed for an exercise by which both the parties were to sit across the table and make an attempt to resolve the dispute between them.

4. At the relevant point of time, the Bihar State Housing Cooperative Federation Limited (hereinafter referred to as the 'Federation'), was a society registered under the Bihar Cooperative Societies Act, 1935 but subsequently, due to its jurisdiction extending beyond the geographical limits of the present State of Bihar, it became a Multi State Cooperative Society under the provisions of The Multi-State Co-operative Societies Act, 2002. In view of the same, by a general order, the Central Government made a provision that the Central Registrar under the Ministry of Agriculture, Department of Co-operation and Farmers Welfare, New Delhi would act as the administrative head of all such Multi-State Co-operative Societies which did not have an elected Board of Directors. Accordingly, by order dated 15.11.2016, he was also impleaded as respondent no. 5. It seems that the effort was that by mutual agreement between the petitioner and the Federation by sitting together to arrive at a settlement with regard to the genuine dues against the petitioner which is required to be paid to the Federation. However, in the



absence of there being either an Administrator or Board of Directors of the Federation, the matter has remained stagnant.

5. The Court would only indicate that prior to the term of the Board of Directors of the Federation having expired, it was being represented by a counsel but subsequently, under the changed circumstances, it is now is being represented by learned counsel for the Union of India, as the Central Registrar is the administrative head.

6. After hearing the parties and with their consent, the matter is disposed off with a direction to the respondent no. 5 to adjudicate the matter, after giving due opportunity of hearing to the petitioner, with regard to arriving at a finding of fact as to what is the actual due which in law the petitioner is obliged to repay to the Federation. Such adjudication shall be done in terms of materials on record and after hearing the parties. For such purpose, let the petitioner appear before the respondent no. 5, along with a copy of this order, within four weeks from today and file a detailed representation before him enclosing copies of all relevant documents in his possession. Upon the said representation being filed, the respondent no. 5 shall fix a date and also ensure that all relevant records of the Federation are brought before him when both the parties shall be given an opportunity of hearing and to place their case before the respondent no. 5 who shall pass a reasoned order thereafter.



The said exercise be completed within two months from the date of filing of such representation by the petitioner before the respondent no. 5.

7. In such view of the matter, the impugned order of the Additional Registrar, Cooperative Societies, Bihar, Patna dated 16.03.2012 passed in Appeal No. 33 of 2011, is set aside. The respondent no. 5 shall take a decision without being prejudiced by any previous order passed in the matter, independently after hearing the parties and in accordance with law.

8. It is made clear that the Court has not expressed any view with regard to the merits of the case.

9. In the event the petitioner does not file any representation before the respondent no. 5, within the time stipulated in this order, the order impugned dated 16.3.2012 shall stand revived and the writ petition shall be deemed to have been dismissed and natural consequences shall follow.

(Ahsanuddin Amanullah, J)

S.Sb/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	25.08.2017
Transmission Date	

