

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16415 of 2017

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Dharmendra Prasad, Ex – M.L.A., son of Late Brajlal Prasad, resident of
Village - Kolhachak, P.O. - Hazrat Sai, P.S. - Dhanarua, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Animal Husbandry Department, Bihar, Patna.
2. Secretary, Animal Husbandry, Government of Bihar, Patna-cum-Chairman, COMFED.
3. Secretary, Co-operative Department, Government of Bihar, Patna.
..... Respondents 1st Party.
4. Registrar, Co-operative Societies, Bihar, Patna.
5. Superintendent of Police, District Vaishali (Hajipur).
6. Officer-Incharge of Desari Police Station, District - Vaishali (Hajipur).
... Respondents 2nd Party.
7. Patna Dairy Project, Phulwarisharif, Patna through its Managing Director.
8. Sri Sudhir Kumar Singh, Managing Director, Vaishali Patliputra Dugdha Utpadak Sahkari Sangh Limited, Feeder Balancing Dairy Complex, Phulwarisharif, Patna.
9. Vaishali Patliputra Dugdha Utpadak Sahkari Sangh Limited, Feeder Balancing Dairy Complex, Phulwarisharif, Patna - 801505 through its Managing Director Sri Sudhir Kumar Singh.
10. Sri Sanjay Kumar, son of Late Rajendra Prasad Singh, Village - Gorigama, P.O. and P.S. - Mahua, District - Vaishali at present Adhyaksh, Vaishali Patliputra Dugdha Utpadak Sahkari Sangh Limited, Feeder Balancing Dairy Complex, Phulwarisharif, Patna.
11. Smt. Seema Tripathi, Managing Director, Bihar State Milk Producers Federation Limited (in short COMFED) Dairy Development, P.O. - Veterinary College, P.S. - Shastrinagar, Patna – 800014.

... .. Respondents 3rd party.

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Appearance :

For the Petitioner/s	:	Mr. Yogendra Mishra, Advocate Mr. Mukesh Kumar, Advocate
For the State	:	Mr. Sanjeet Kumar Singh, AC to AAG 6
For Respondents 7 to 10 :		Mr. P. K. Shahi, Senior Advocate Mr. Vikas Kumar, Advocate
For Respondent No.11	:	Mr. K. N. Choubey, Senior Advocate Mr. Nikesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 28-11-2017

This petition has been filed by the petitioner in public interest and he has challenged various factors pertaining to management of the respondent No.9- Vaishali Patliputra Dugdha Utpadak Sahkari Sangh Limited. However, while doing so, he has not disclosed to this Court in this public interest petition filed that he was the Chairman of the Society for a period of more than ten years. When the aforesaid objection is raised by the respondents, this Court took serious view of the matter and was tempted to dismiss the writ petition by imposing heavy cost. When the petitioner was the Chairman of the Society for more than ten years and when he was in know of all the activities of the Society, prudent conduct of the petitioner warranted that before filing of the Public Interest Litigation, he should have disclosed all these facts to this Court.

This having not been done and this being a serious suppression on the part of the petitioner, we are not inclined to interfere into the matter, but we were tempted to dismiss the writ petition with heavy cost. However, considering the observation made by this Court at the time of hearing, learned counsel for the petitioner sought permission to withdraw the writ petition. We permit the petitioner to withdraw the petition, but with a warning



that being a public representative and an ex MLA, he should not misuse the process of law in the manner as indicated hereinabove. In case, it is found that the petitioner misuses the process of law in future, we will take coercive and strict action against him.

With the aforesaid warning to the petitioner, we permit the petitioner to withdraw the writ petition. It is dismissed as withdrawn.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2017
Transmission Date	

