

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1102 of 2016
IN
Civil Writ Jurisdiction Case No. 4047 of 2015**

- =====
1. Shri Gulabchand Mandal, son of Sri Sahdev Mandal, resident of village and post Gangaili, Ex-Chairman of Maharajganj-2, Primary Agriculture Credit Co-operative Society Ltd., Banmankhi Block, District-Purnea.
 2. Md. Ismail S/o Late Phulmohamad, Chairman of Tiya para Primary Agriculture Credit Co-operative Society Ltd., Amour Block, District-Purnea.

.... Petitioners- Appellant/s

Versus

1. The State of Bihar through its Chief Secretary.
2. The Principal Secretary, Department of Co-operative, Government of Bihar, New Secretariat, Patna.
3. Registrar, Co-operative Society Government of Bihar, Patna.
4. The District Co-operative Officer, Purnea.
5. The Managing Director, the Purnea District Central Co-operative Bank Ltd. Purnea.
6. The Branch Manager, the Purnea District Central Co-operative Bank Ltd., Banmankhi Branch Purnea.
7. The Branch Manager, the Purnea District Central Co-operative Bank Ltd., Amour Branch, Purnea.
8. Bihar State Food and Civil Supplies Corporation Ltd. through its Managing Director, Sone Bhavan, Birchand Patel Marg, Patna.
9. The Manager of Bihar State Food and Civil Supplies Corporation Ltd. Banmankhi, Purnea.
10. The Manager of Bihar State Food and Civil Supplies Corporation Ltd. Amour, Purnea.
11. The Block Development Officer-cum- Election Officer, Banmankhi, Purnea.
12. The Block Development Officer-cum-Election Officer, Amour, Purnea.

.... Respondent/s

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Appearance :

For the Appellant/s : Mrs. Mira Kumari, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-04-2017

In the matter of imposition of surcharge by the
respondent-Cooperative Society, the learned Writ Court has not



gone into the merits of the dispute and has only relegated the petitioners to take recourse to the statutory remedy available under Section 40(3) of the Bihar Cooperative Societies Act, 1935 and the as petitioners have statutory remedy under the Act to ventilate their grievance before the authority constituted under the Act, we see no reason to make any indulgence into the matter. The appeal stands dismissed.

In case, the petitioners prefer an appeal within a period of thirty days from today, the competent authority shall consider and decide the appeal on merits in accordance with law and shall not dismiss it on the ground of delay.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R.
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