

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.444 of 2016
IN
Civil Writ Jurisdiction Case No. 1297 of 2015**

- =====
1. Krishnand Singh, Son of late Rambilash Singh, Resident of village - Narma, P.O. - Mohiuddinpur, P.S. - Fatuha, District - Patna.
 2. Ramnandan Prasad Singh, Son of late Chandrabhan Singh, Resident of village - Sheikhpul Sithaura, P.O. - Sithaura, P.S. - Rajgir, District - Nalanda.
 3. Jamuna Prasad, Son of Dukhi Ram, Resident of Village - Nalanda, P.O. - Nalanda, P.S. - Nalanda, District - Nalanda.
 4. Nirmala Sinha, Wife of late Satrudhan Singh, Resident of village - Hathiyawan, P.O. - Hathiyawan, P.S. - Sheikhpura, District - Sheikhpura.

.... Appellant/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Registrar Co-operative Societies, New Secretariat, Patna, Bihar.
3. The Secretary, Department of Co-operative, Govt. of Bihar, Patna.
4. The Managing Director, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna, Bihar.
5. The Secretary, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna, Bihar.
6. The Chairman, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna, Bihar.
7. The Chief Account Officer, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna, Bihar.
8. The Finance Controller, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna, Bihar.
9. The Account Officer, Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna, Bihar.
10. The Special Officer (Establishment), Bihar State Co-operative Marketing Union Ltd., Biscomaun Bhawan, Patna, Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Neerad Parashar, Advocate
Mr. Kumar Nikhil, Advocate
Mr. Ravi Kumar Singh, Advocate
For BISCOMAUN : Mr. Ishwari Singh, Advocate
For the Cooperative Society: Mr. S.N. Pathak, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-03-2017



Delay in filing of the appeal is condoned.

In view of the Special Bench judgment in the case of Organizer, Dehri C.D. and C.M. Union Limited vs. The State of Bihar, reported in 2014 (1) P.L.J.R. 695, a writ petition against the respondent Cooperative Society is not maintainable.

In view of the above, we see no reason to take a different view. The respondent Cooperative Society, not being a ‘State’ and being not amenable to the writ jurisdiction of this Court, as held by the Special Bench in the case of Organizer, C.D. and C.M.’s case (supra), no case is made out for interfering with the order passed by the learned Writ Court in this regard.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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