

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10440 of 2017

- =====
1. Ram Chandra Ram, Son of Late Ramdas Ram, resident of Village- Baghini, P.O.- Harnathpur, P.S.- Mohania, District- Kaimur, Bhabhua.
 2. Saroj Devi, Wife of Shri Anil Kumar Pandey, resident of Village- Bahdura, P.O.- Dadar, P.S.- Mohania, District- Kaimur, Bhabhua.
 3. Seela Devi, Wife of Ashok Paswan, resident of Village- Adhwar, P.O.- Dadar, P.S.- Mohania, District- Kaimur, Bhabhua.
 4. Chanda Devi, Wife of Shri Mithilesh Kumar Singh, resident of Village- Adhwar, P.O.- Dadar, P.S.- Mohania, District- Kaimur, Bhabhua.
 5. Kalika Prasad Ram, Son of Harihar Ram, resident of Village- Adhwar, P.O.- Dadar, P.S.- Mohania, District- Kaimur, Bhabhua.
 6. Idirish Mian, Son of Sukurullah, resident of Village- Dasawati, P.O.- Sondhi, P.S.- Mohania, District- Kaimur, Bhabhua.
 7. Nand Kumar Singh, Son of Jhulan Prasad Singh, resident of Village- Ghundi, Tekari, P.O.- Dadar, P.S.- Mohania, District- Kaimur, Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Government of Bihar, Patna.
2. The Principal Secretary, Cooperative Department, Government of Bihar, Patna.
3. The Registrar, Cooperative Societies, Bihar, Patna.
4. The Deputy Registrar, Legal, Cooperative Societies, Patna Division, Patna.
5. The District Cooperative Officer, Kaimur, Bhabhua.
6. Chandan Kumar Singh, Son of Shiv Kumar Singh, resident of Village- Baghini, P.O.- Harnathpur, P.S.- Mohania, District- Kaimur, Bhabhua.
7. Baghini Primary Agriculture Credit Cooperative Society, Baghini under Mohania Block, District- Kaimur, through its Chairman, Chandan Kumar Singh, Son of Shiv Kumar Singh, resident of Village- Baghini, P.O.- Harnathpur, P.S.- Mohania, District- Kaimur, Bhabhua.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi,



Mr. Sumit Kumar Jha,
Mr. Vijay Shankar Tiwari and
Mr. Indrajesk Kumar, Advocates
For the State : Mr. Narendra Kumar Singh, A.C. to G.P. 22

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 02-08-2017

Heard learned counsel for the petitioners and the State.

2. The petitioners have moved the Court for the following reliefs:

“ (i) For a direction to the respondents and in particular respondent no. 3 to dissolve the Baghini Primary Agriculture Credit Cooperative Society, as majority of the members and elected office bearers of the Managing Committee have resigned.

(ii) For a declaration that in terms of Section 41(5) of the Bihar Cooperative Societies Act, 1935, in absence of majority, the respondent no. 3 has got no other alternative but to dissolve the Managing Committee of the registered Society.

(iii) For a direction to the respondent no. 3 to appoint Administrator in exercise of power conferred under the Bihar Cooperative Societies Act, 1935; and for any other relief or reliefs to which the petitioners are found entitled.”

3. In effect, the petitioners want that the case filed by the respondent no. 6 to be expeditiously decided. On a query of the Court as to whether there was any interim stay in the case filed by the respondent no. 6 i.e., Misc. Case No. 436 of 2016, pending before the respondent no. 3, the answer is in the negative.



4. In view of the aforesaid, the Court has no hesitation to record that there is no cause of action for the petitioners to directly move before this Court in the present writ application for the reason that if they have any grievance, they were also required to move before the Registrar Co-operative Societies (respondent no. 3) for any relief which they might have claimed. They cannot take the plea that this Court may direct the case which has been filed by the respondent no. 6 to be decided expeditiously moreso, when there is no interim order affecting the petitioners. At this stage, learned counsel for the petitioners produced copy of the order dated 18.01.2017 passed in **L.P.A. No. 1665 of 2015** in the case of **Ashok Kumar Singh vs. The State of Bihar and Ors.**, in which it has been held that once more than half of the members of the Managing Committee resign, the same would result in dissolution of the Managing Committee. The Court has no hesitation to record that there is no dispute with regard to the position in law. However, in the present case, when the petitioners had a forum i.e., the Registrar Co-operative Societies to move for redressal of such grievance, the Court feels that straightaway coming in a writ petition, was not required/proper. The Registrar, Co-operative Societies has the power to decide the issue moreso, when the law has already been settled by the Courts.



5. In view thereof, the writ petition stands disposed off with liberty to the petitioners to move before the Registrar Co-operative Societies, Bihar in the matter, in accordance with law.

6. If such a petition is filed within three weeks from today, along with a copy of this order, the Court expects that the matter shall be disposed off expeditiously and in any case within a period of four months from the date of filing of the said petition.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

