

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20050 of 2013

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Baidehi Kumari Pathak @ Vaidehi Kumari Pathak Wife Of Sri Suresh Chandra Pathak Resident Of Mohalla- Daudpur Kothi, Bahrampura, P.S.- Bahrampura, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Co-Operative Department, Government Of Bihar, Patna
2. The Principal Secretary, Co-Operative Department, Government Of Bihar, Patna
3. The Registrar, Co-Operative Societies, Government Of Bihar, Patna
4. The District Co-Operative Officer, Muzaffarpur
5. The Bihar State Housing Co-Operative Federation Ltd. Through The District Magistrate, Patna, (Liquidator), Patna
6. The District Magistrate, Patna
7. The Assistant Liquidator, Sri Animesh Kumar, Bihar State Housing Co-Operative Federation Ltd., Bailey Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the State : Mr. Sachindra Kr. Tiwary, A.C. to A.A.G.IV
For the Corp. : Mr. Purushottam Jha

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 04-07-2017 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Co-operative Society as well as learned counsel for the State.

The petitioner seeks to claim remedy under the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. The petitioner had such remedy by way of filing suit which was decreed wayback in the year 1992. The petitioner sat back for twenty years. The decree was not acted upon as per the contention of the petitioner. The application under



Article 226 of the Constitution of India has come after a fresh notice had been issued calling upon the petitioner to pay back the dues. The Co-operative Societies has now raised the preliminary objection that in view of the Special Bench judgment reported in 2014(1) P.L.J.R. 695 (The Organizer, Dehri C.D. and C.M. Union Limited Vs. The State of Bihar & Ors.) the writ is not maintainable. This Court, however, need not go into the details of the claims of the parties as the relief sought is wholly belated and the Writ Court would not venture under Article 226 of the Constitution of India to entertain such an application after a lapse of twenty years.

The writ application being devoid of merit is, thus, dismissed.

(Anjana Mishra, J)

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