

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8063 of 2016

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1. Primary Agricultural Credit Society Limited (PACS) At- Pokhra, Post Office- Talwa Pokhar, Police Station- Kotwa, District- East Champaran, Bihar, through its President Jai Chandra Yadav.

2. Jai Chandra Yadav, s/o Late Kunai Yadav, President, Primary Agricultural Credit Society Limited, Resident of Village- Pokhara, Police Station- Kotwa, Post Office- Talwa Pokhar, District- East Champaran, Bihar.

.... Petitioners

Versus

1. The State of Bihar

2. The Registrar, Co-operative Societies, Bihar, Patna, New Secretariat, Baily Road, Patna.

3. The Joint Registrar, Co-operative Societies, Tirhut Commissioner, Muzaffarpur.

4. The District Co-operative Officer, East Champaran, Central Co-operative Bank Motihari Ltd. At & Post Office- Motihari, District - East Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Radha Raman, Advocate

For the Respondent/s : Mr. Prashant Pratap, GP-6

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date: 09-10-2018

The present writ petition has been filed by the petitioners for directing the respondent no.2 either to give permission to sell the biomass fired power plant or to seize them.

2. Petitioner no.1 is the Pokhra Primary Agriculture Co-operative Credit Society (for short 'PACCS') and the petitioner no.2 is its president.



3. The case of the petitioners is that for rural electrification, the Government of India in co-ordination with the State of Bihar had launched a scheme for a project, namely, 'biomass gasfire' based on rice husk for rural electrification. Being attracted with the said scheme, the Managing Committee of the petitioner no.1 decided to have the said plant in its territory. Thereafter, land was arranged on lease and the aforesaid plant was installed for which the government provided subsidy of 50% in the scheme. In this way, Rs.7,50,000/- government money was involved in installing the plant. However, the plant is not running successfully and the society has to bear day-to-day loss.

4. Learned counsel for the petitioners submitted that since the plant was launched with the aid of government fund and alternative social electrification scheme is also involved, the respondent no.2 should be directed to give permission to the petitioners to sell the plant or seize the same which has been closed due to its failure and is causing recurring loss.

5. On the other hand, learned counsel for the respondent no.4 and the State submitted that the writ petition is misconceived, as the respondent no.4 or its officials are not concerned with the day to day business of the PACCS.

6. In my opinion, no case for interference in writ



jurisdiction is made out. In case the petitioner society has entered into some sort of business activity, it has to manage its own affairs. The State or its officials cannot be held responsible for any loss caused in running the plant. In case, there is any requirement in law under any agreement entered into between the petitioners and the respondent authorities, which requires permission to sell the plant, the same has to be done in terms of the agreement and, in case of any dispute, the remedy would lie only under civil law before a court of competent jurisdiction. In case, no permission is required the petitioners are free to sell the plant and in that case also no mandamus from the Court is required. As far as the prayer seeking direction to the respondents for taking away the plant is concerned, there is no reason for this Court to issue such direction.

7. The writ petition is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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