

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11470 of 2015

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1. Subhash Sahni Son of Late Bhikari Sahni resident of Village - Baswaria Ward No. 30, P.O. - Bettiah, P.S. - Nagar Bettiah, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Fisheries Officer cum Chief Executive Officer, West Champaran, Bettiah.
4. The District Co-operative Officer, West Champaran, Bettiah.
5. Sri Shankar Prasad Son of Late Hanuman Shah Resident of Purani Gudri, Block + P.S. - Bettiah, District - West Champaran.
6. Bettiah Prakhand Matasyajivi Sahyog Samiti Ltd., through its Secretary, resident of Village - Purani Gali Turha Toli, Ward No. 10, P.S. - Bettiah Nagar, Distt. - West Champaran (PIN CODE : 845438)
7. Anand Kumar S/o Baidyanath Sah resident of Village - Purani Gali Turha Toli, Ward No. 10, P.S. - Bettiah Nagar, Distt. - West Champaran (PIN CODE : 845438)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Respondent/s : Mr. SC17-Arbind Kumar No. II

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 17-09-2018

Heard both sides.

The petitioner has filed this writ petition for quashing the order dated 30.05.2015, as contained in memo No. 456, passed by the District Fisheries Officer cum Chief Executive Officer, West Champaran, Bettiah by which he vacated the order of stay which was passed earlier vide letter No. 456 dated 18.04.2015.

The learned counsel for the petitioner submits that



respondent No.5 was duly elected Secretary of the Bettiah Prakhanda Matasyajivi Sahyog Samiti Ltd. but cognizance in a criminal case under Section 417 of the IPC was taken against respondent No.5. The petitioner filed Misc. case No. 80 of 2014 before the Registrar, Co-operative Societies for removal of respondent No.5 from the post of Secretary of Bettiah Prakhanda Matasyajivi Sahyog Samiti Ltd. During the pendency of Misc. Case No. 80 of 2014 respondent No.5 resigned from the post of Secretary on 17.04.2015 but in his absence the District Fisheries Officer cum Chief Executive Officer, West Champaran, Bettiah settled the ponds in favour of a non member of the Society. The petitioner filed appeal before the Commissioner and the Commissioner set aside the order of settlement and directed the District Fisheries Officer cum Chief Executive Officer, West Champaran, Bettiah to pass order in accordance with law. It is submitted that the District Fisheries Officer cum Chief Executive Officer, West Champaran, Bettiah accepted the resolution of the members of the Society although there was no quorum for the meeting but I find from perusal of the order of the District Fisheries Officer cum Chief Executive Officer, West Champaran, Bettiah (Annexure-9) that he, in pursuance of the order of the Commissioner, held the meeting and the members of the Society



nominated Anand Kumar, respondent No.7 as acting Secretary of the Society and on such the District Fisheries Officer cum Chief Executive Officer, West Champaran, Bettiah vacated the stay order for settlement of the pond.

I do not find any illegality in the impugned order.
This writ petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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