

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19226 of 2017

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Nawadah Vyapar Mandal Cooperative Society Ltd., through its Chairman namely Ram Nandan Singh, Son of Late Baleshwar Singh, Resident of Village- Oraina, Police Station- Nawadah Mufassil, Block- Nawadah, District- Nawadah.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Co-operative, Government of Bihar, Patna.
2. The Registrar, Co-operative Societies, Government of Bihar, Patna.
3. The District Magistrate-cum- Administrator, Nawadah.
4. The District Central Co-operative Bank Ltd., Nawadah through its Managing Director.
5. The District Co-operative Officer, Nawadah.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent-State : Mr. M.K. Ambastha, SC-26

For the Respondent-Bank : Mr. Purushottam Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-04-2018

The grievance of the petitioner in the present writ petition is that the petitioner-society, which is governed by newly elected managing committee has not been included in the list to procure the paddy of members farmer and members PACS during 2017-18 Khariff purchase on the pretext that as per report of Branch Manager of respondent-Nawada Central Co-operative Bank petitioner-society is defaulter as previous Chairman of the society has committed misappropriation of public money after taking loan



from the bank under Cash Credit Scheme. He seeks a direction to be issued to the respondents to allow newly elected managing committee of the petitioner-society to procure the paddy of members farmer.

2. Learned counsel for the respondent-Nawada Central Co-operative Bank submitted that the society itself is defaulter and the Chairman and members of the outgoing society are facing criminal prosecution as well as certificate case. He submitted that in terms of Rule 23(2)(d) of the Bihar Co-operative Societies Rules, no delegate/representative of an affiliated society shall be eligible for election to the Managing Committee, if an inquiry relating to any transaction of the registered society to the Managing Committee of which he seek election is pending against him and, further, in terms of Rule 23(2)(e) of the Bihar Co-operative Societies Rules, no delegate/representative of an affiliated society shall be eligible for election to the Managing Committee, if a criminal proceeding relating to any transaction of the registered society is pending against him in which cognizance has been taken and in that view of the matter, the society cannot be permitted to procure the paddy of the members farmer and members PACS during 2017-18 Khariff purchase and participate in any business of the Vyapar Mandal. He further contended that the petitioner has statutory



remedy under Section 48 of the Bihar Co-operative Societies Act, 1935 for the grievances raised in the present writ petition and without exhausting the statutory remedy, he has approached this Court, which should not be allowed.

3. In reply, learned counsel for the petitioner submitted that so far as the criminal case is concerned, the investigation is going on and till date cognizance has not been taken. He, however, concedes that for the relief prayed for in the present writ petition, a statutory remedy is available under Section 48 of the Bihar Co-operative Societies Act, 1935.

4. Having regard to the nature of the dispute raised and the submissions made, in view of an equally efficacious statutory remedy being available to the petitioner under Section 48 of the Bihar Co-operative Societies Act, 1935, I am not inclined to entertain the present writ petition. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2018
Transmission Date	NA

