

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11136 of 2016

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Babita Devi wife of Sri Dinesh Kumar Singh, resident of village Khandua,
P.O. Kushmara, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Registrar, Co-operative Societies, Government of Bihar, Patna.
3. Managing Director, Bihar State Milk Co-operative Federation Ltd. COMFED, Patna.
4. Managing Director, Shahabad Dugdh Utpadak Sahakari Sangh Ltd., Mohalla Katira, District Bhojpur, Ar
5. Sri Mathura Sharma, Assistant Milk Procurement Officer, Shahabad Dugdh Utpadak Sahakari Sangh Ltd.,
6. Mahila Khandua Dugdh Utpadak Sahyog Samiti Ltd., resident of village- Khandua, P.O. Kushmara, Distr wife of Bachanand Singh, resident of village Khandua, P.O. Kushmara, District- Rohtas.
7. Kavita Singh, wife of Sri Jitendra Kumar Singh, resident of village Khandua, P.O. Kushmara, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Kumar, Advocate
For the Respondent/s : Mr. Purnendu Singh, G.P. 27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 10-07-2019 Heard learned counsel for the petitioner and learned
counsel for the respondent State.

The only issue involved in the present application is whether the Registrar, Co-operative Societies, was justified in passing order on the basis of deemed service of notice when there is specific averment in the writ application that the notice was not served on the petitioner. In this case there is specific averment that notice through Registrar Post was not served, the Court is left with no option but to hold that the notice was not



served on the petitioner.

In view of the fact that the Registrar, Co-operative Societies has passed the order only on the basis of service of deemed notice and specific case pleaded by the petitioner as to denial of natural justice due to non-service of notice the order of Registrar, Co-operative Society cannot sustain.

Under the aforesaid circumstances, the Court is constrained to allow the writ application. The order passed by the Registrar, Co-operative Societies dated 13.05.2016 / 10.06.2016 in Dispute Case No. 12/2014 is quashed. The matter is remitted back to the Registrar, Co-operative Societies for taking decision afresh after hearing all the stakeholders including the petitioner, within a period of three months from today.

Parties are at liberty to file appropriate application for interim relief before the Registrar, Co-operative Societies. On filing such application, the Registrar, Co-operative Societies is under obligation to decide the application for interim relief within a period of 15 days from the date of such application.

(Anil Kumar Upadhyay, J)

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