IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15352 of 2017

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1. Lok Seva Thrift and Credit Self Supporting Co-Operative Societies Ltd. having its office at Shastrinagar, Road No. 2, Chhoti Ekmi, PO-Laheriasarai, PS Laheriasarai, District- Darbhanga through its Adhyaksh-cum-Chief Promoter Deepak Kumar Jha.
2. Deepak Kumar Jha, Son of Shri Sharawan Jha, 10 G.M. Road, Behind ICICI Bank, Raj Kumar Ganj, Lalbagh, Town and District- Darbhanga- 846004 at present Adhyaksh-cum-Chief Promoter of petitioner no.1.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Registrar, Co-operative Societies, Patna.
3. Deputy Registrar (Cane), Co-operative Societies, Bihar, Patna.
4. Assistant Registrar, Co-operative Societies, Bihar, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Arvind Kumar Jha, Advocate
For the State	:	Mr. Subodh Kumar, AC to SC 26

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 10-12-2019

Heard Mr. Ramakant Sharma, learned senior counsel along with Mr. Arvind Kumar Jha, learned counsel for the petitioners and learned AC to SC 26 for the State.

2. The petitioners have moved the Court for the following reliefs:

> *"i) An appropriate writ, order or direction quashing the letter dated 7.6.2016 issued*

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by respondent no. 2, letter dated 3.5.2017 issued under the signature of the respondent no. 3 as well as the letter dated 3.8.2017 issued under the signature of respondent no. 4 as contained in Annexures 3, 6 and 8 respectively, be issued.

ii) An appropriate writ, order or direction commanding the respondents specially respondent no. 2 to grant registration of the society (petitioner no. 1) within a time frame, be issued.

iii) An appropriate writ, order or direction to which the petitioners are found entitled to, be issued."

3. The grievance of the petitioners is that despite applying for registration under the Bihar Self-Supporting Cooperative Societies Act, 1996 (hereinafter referred to as the 'Act'), the registering authority has not granted registration raising one objection or the other and despite the petitioners meeting such objection from time to time.

4. Learned counsel for the petitioners submitted that on some pretest or the other, whenever the petitioners satisfy the query raised by the authorities, a fresh objection is pointed out and registration refused.

5. Learned counsel for the State submitted that the objection raised have never been completely met by the petitioners and, thus, the stand/decision of the authorities cannot be faulted.

6. At this juncture, learned counsel for the petitioners submitted that the exercise will never end in the background of the

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sad experience of the petitioners, inasmuch as, on all their applications, some query would be made and whenever the petitioners would meet them, on a new ground, registration shall be refused. It was submitted that the authorities are required to take a final view in the matter with regard to completing the requirement for registration and if the petitioners are found lacking in fulfilling of any of the requirement, a reasonable opportunity be given to them and then a reasoned order be passed, if still the authorities unsuit the petitioners from registering their society by keeping in view the basic object of the Act which should not be frustrated.

7. Learned counsel for the State submitted that the petitioners may approach the Registering Authority (respondent no. 2), who may take a decision, in accordance with law, especially the statutory provisions of the Act as well as the bye laws.

8. In view thereof, the writ petition stands disposed off with liberty to the petitioners to make a fresh application before the respondent no. 2, with regard to registration of their society in the format required, giving details of each and every requirement of law, head-wise and point-wise. If the same is done within one month from today, the respondent no. 2 shall take a decision

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keeping in view the requirement of the law, the Act and the bye laws, as may be applicable and give personal hearing to the petitioners with regard to consideration of their request for registering a fresh society. If the authorities find that there are objections, specific details of the same shall be made known to the petitioners and they shall be given at least two weeks to meet such objections. Upon the petitioners submitting their reply to the respondent no. 2, he shall pass a detailed and reasoned order, either allowing the registration and if the same is refused, reason would be given with regard to such objections made. To prevent any prejudice to either side, the Court would only observe that all objections which are to be raised by the respondent no. 2, shall be do done, at the very first instance and if any objection with regard to any issue is not raised, it shall be deemed that such objection is not applicable in the case of the petitioners. By way of clarification, the Court would indicate that if the petitioners meet certain objections and if the same does not completely satisfy the requirement, the petitioners may be given one more opportunity to clear such doubt/meet the requirement. Upon such exercise being completed, reasoned order should be passed within one month thereafter and communicated to the petitioners. It is made clear that the orders impugned by which earlier such prayer was rejected

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shall not come in the way of the respondent no. 2 in fresh consideration of their request for registration of the society.

(Ahsanuddin Amanullah, J.)

P. Kumar

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