

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22584 of 2018

Punam Kumari ,Wife of Rahul Kumar, Resident of Village-Sukhlahiya, Post and Police Station-Darpa, District-East Champaran, Presently holding the Post of Secretary Cum Treasurer, Chhauradano Prakhand Matasyajeevi Sahyog Samiti Limited, Village-Sukhlahiya (Darpa), District-east Champaran.

... .. Petitioner.

Versus

1. The State Of Bihar through the Principal Secretary, Animal Husbandry & Fisheries Resources Department, Government of Bihar, Patna.
2. The Director, Fisheries, Government of Bihar, Patna.
3. The Deputy Director, Fisheries, Koshi Region, Saharsa.
4. The District Magistrate, East Champaran, Bihar.
5. The District Fisheries Officer, District-East Champaran.
6. The Cooperative Extension Officer, Chhaudadano, District-East Champaran.
7. The Principal Secretary, Dept. Of Co-operative, Govt. of Bihar.
8. The Registrar, Co-operative Societies, Bihar, Patna.
9. The District Co-operative Officer, East Champaran.
10. Umesh Kr. Mukhiya, S/o Late Rajbanshi Mukhiya, R/o Vill+P.O-Tirkoniya, P.S.-Darpa, Dist-East Champaran (Motihari) (Pvt. Respondent)

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Deepak Kumar, Adv.
For the State	:	Mr.Mukul Kr, J.C to G.P-18
For Respondent No.10	:	Mr. Deepak Kr. Adv.
		Mr. Pashupati Pd. Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 10-04-2019 I.A. No.1 of 2019 has been filed to implead the respondent nos.7, 8 and 9. It is submitted that inadvertently the proposed respondents were not made respondents in the writ petition.

Learned counsel for the State has no objection to it.

Let I.A. No.1 of 2019 be allowed and respondent



nos.7, 8 and 9 be added in the array of parties in the writ application.

I.A. No.2 of 2019 has again been preferred by one Umesh Kumar Mukhiya who claims that he is one of the elected Member of the Managing Committee of Chhauradano Prakhand Matasyajivi Sahyog Samiti Limited. He claims to be a necessary party in this writ application.

There is no objection to the said prayer of the intervenor.

Let I.A. No.2 of 2019 be allowed and the intervenor-petitioner be added as respondent no.10 to the present writ application.

A counter affidavit has also been filed on behalf of the respondent nos.4, 6 and 9. Let it be kept on record.

The matter then proceeds for consideration on merit.

Heard the parties.

In course of hearing, a preliminary objection was taken on behalf of the intervenor-respondents saying that the petitioner has moved this Court without seeking her remedy of statutory appeal as provided under Section 41 (6) of the Bihar Co-operative Societies Act, 1935. Learned counsel submits that the impugned order has been passed by the District Co-



operative Officer, West Champaran, Motihari in exercise of his power under Section 41 (1) (iii) of the Act of 1935 which is an appealable order.

The objection taken on behalf of the intervenor-respondent no.10 could not be contested by learned counsel for the petitioner.

In the aforesaid view of the matter, since this Court finds that the petitioner has a statutory remedy of appeal, the Court restrains itself from interfering with the impugned order in its writ jurisdiction. The writ petition is disposed of with liberty to the petitioner to seek her remedy in statutory appeal before the competent authority in accordance with law. It will be open for the petitioner to raise all such plea which may be available to her before the appellate authority. In case the question of limitation arises, the appellate authority shall consider the same keeping in mind that the petitioner was pursuing her remedy before this Court.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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