

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2363 of 2020

1. Mukesh Kumar son of Sanjay Sharma Resident of Village- Dihari, P.O. Tara Nagar, P.S. Bihta, District- Patna.
2. Akhilanand Singh son of Late Rameshwar Singh Resident of Village- Dihari, P.O. Tara Nagar, P.S. Bihta, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Cooperative, Government of Bihar, Patna.
2. The Registrar, Cooperative Societies, Bihar, Patna.
3. The District Cooperative Officer, Patna, District- Patna.
4. The Assistant Registrar, Cooperative Societies, Danapur Circle, District- Patna.
5. The Block Cooperative Officer, Bihta, District- Patna.
6. Sri Chandan Kumar son of Sri Dinesh Prasad Singh Resident of Village- Sikariya, P.O. Tara Nagar, P.S. Bihta, District- Patna, presently Chairman of Tara Nagar, Primary Agriculture Credit Cooperative Society, Block- Bihta, District- Patna.
7. Dinesh Prasad Singh son of Late Kamta Prasad Singh Resident of Village- Sikariya, P.O. Tara Nagar, P.S. Bihta, District- Patna, presently Manager of Tara Nagar, Primary Agriculture Credit Cooperative Society, Block- Bihta, District- Patna.
8. The Branch Manager, Bihar State Cooperative Bank Ltd, Bihta Branch, District- Patna.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. S.B.K. Manglam, Adv.
For the Respondents	:	Mr. Rajeev Shekhar, Adv.
For the Bank	:	Mr. Bindhyachal Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-02-2020 The present writ petition has been filed by the
petitioners seeking the following reliefs :-

*(I) For issuance of an appropriate
writ in the nature of MANDAMUS,
commanding and directing the Respondent
No. 5 to produce on record the letter/order by*



which he has authorized the Respondent No. 6 for operation of the account of Tara Nagar Primary Agriculture Credit Cooperative Society (hereinafter referred to as the Tara Nagar PACCS) in the capacity of chairman of the Managing Committee of the said Society in jointness with the Respondent No. 7 and on production the same may be quashed by issuance of an appropriate writ in the nature of CERTIORARI on the ground that if after the resignation of majority of the members of the Managing Committee of the said Society, there is no Managing Committee in the eye of law for the Society in question, the Respondent No. 5 cannot authorize the Respondent No. 6 for Bank operation as he is no more the Chairman of the Society in the eye of law.

(II) For a declaration that in view of the provisions contained under Sub-Section -5(a) of Section- 41 of the Bihar Cooperative Societies Act, 1935, the Respondent No. 2 is obliged to dissolve the Managing Committee of the said PACCS and to fix a date for holding the election of the said Society for the purposes of constitution of Managing Committee as also for the election of a Chairman of the Society in accordance with law.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ



petitioners would be found entitled under the facts and circumstances of the case.

Admittedly, as per Section 41(5) of the Cooperative Societies Act, 1935, Registrar of the Cooperative Societies, Bihar is authorized to go into the dispute of dissolution of the Cooperative Society in question.

Accordingly, the learned counsel for the petitioners seek liberty to raise the aforesaid grievances of the petitioners before the learned Registrar Cooperative Society by filing appropriate petition within a period of one week from today, whereupon the learned Registrar is directed to take appropriate action as per Section 41(5) of the Cooperative Societies Act, 1935 as also in accordance with law, within a period of four weeks thereafter.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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