

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15169 of 2010

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Bihar Rajya Matsyajeevi Sahkari Sangh Limited, Patna through its President
Rakesh Kumar Nishad, S/o Late Bhuwaneshwar Pd. Nishad R/O Kapoor
Kothi, New Jakkanpur, P.S.- Jakkanpur, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Co-Operative Department, Government of Bihar,
Patna
3. The Registrar, Co-Operative Societies, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Tewary, Advocate

For the Respondent/s : Mr. P.N.Shahi, AAG-6.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 24-09-2020 On 22nd September, 2020 in CWJC No.13376 of 2010

titled as Hayaghat Vikash Prakhand Matsy Vs. The State of
Bihar & Ors., we had passed the following order:-

“On 26.08.2020, we had passed the following
order:

“On the request of Shri Patanjali
Rishi, Assistant Counsel to learned A.A.G. 6,
matters are adjourned by two weeks
clarifying that no further adjournment shall be
granted.

List on 10.9.2020.”



Today, despite repeated calls, none has entered appearance on behalf of the petitioner.

Contending that the matter in issue is squarely covered, Shri Pushkar Narayan Shahi, learned senior counsel, appearing for the respondent, invites our attention to a Constitution Bench decision by Hon'ble Apex Court rendered in **(1985) 2 SCC 670, titled as Daman Singh & Ors. Vs. State of Punjab & Ors.**

Indulgent, for the reasons that despite repeated calls, none has entered appearance on behalf of the petitioners today, we adjourn the matters.

List on 24.09.2020.”

Petitioner has prayed for the following reliefs:-

- i) For issuance of an appropriate writ, order or direction for declaring the amendment, by which a new Sub-Section (1b) after Sub-Section (1a) of Section 8 and Section 11B after Section 11A have been introduced, in the Bihar Co-operative Societies Act, 1935 (Bihar Act VI of 1935) is ultra-vires to the Constitution of India.
- ii) For issuance of an appropriate writ for declaration that the amending provision of the Bihar Co-operative Societies (Amendment) Act, 2010, so it relates to reorganization of Fishermen Co-operative societies at block level is contrary to the rule of equality and ultra-vires to the Constitution of India.
- iii) For issuance of any other relief or reliefs for which the petitioner is entitled under the



facts and circumstances of the case.”

Today, learned counsel for the petitioner seeks permission to withdraw the present petition for the reason that the present petition has become infructuous.

Prayer is allowed.

Writ petition is permitted to be withdrawn.

Interlocutory application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

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