

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 25692 of 2019

1. Banaili Patti Primary Agriculture Credit Societies Block- Basantpur, Supaul through its Chairman Ganesh Prasad Yadav, aged about 40 years, Male, Son of Late Bokai Yadav, PACS Chairman Banelipatti, Kosi Kapia, Block-Prasantpur, District- Supaul, resident of Village- Kamath, Arazi, P.S.- Birpur, District- Supaul.
2. Ganesh Prasad Yadav, aged about 40 years, Male, Son of Late Bokai Yadav resident of Village- Kamath, Arazi, P.S.- Birpur, District- Supaul.
3. Balbhadrapur Primary Agriculture Credit Societies, Block- Basantpur, through its Chairman Md. Saukat Ali, aged about 41 years, Male, Son of Late Nazir Hussain, PACS Chairman Balbhadrapur, Block- Basantpur, District- Supaul, resident of Village- Lalpur got, P.S.- Birpur, District- Supaul.
4. Md. Saukat Ali, aged about 41 years, Son of Late Nazir Hussain resident of Village- Lalpur got, P.S.- Birpur, District- Supaul.
5. Hridyanagar Primary Agriculture Credit Societies, Block- Basantpur, Supaul through its Chairman Ashok Kumar Gupta, aged about 53 years, Male, Son of Late Ram Narayan Gupta, PACS Chairman, Block- Basantpur, Supaul, resident of Hridyanand, P.S.- Birpur, District- Supaul.
6. Ashok Kumar Gupta, aged about 53 years, Male, Son of Late Ram Narayan Gupta, resident of Hridyanand, P.S.- Birpur, District- Supaul.
7. Bishanpur Shivram Primary Agriculture Credit Societies, Block- Basantpur, Supaul, through its Chairman, Shankar Ran, aged about 38 years, Male, Son of Bhola Ran, resident of Village- Bishanpur Choudhary, P.S.- Ballua Bazar, District- Supaul.
8. Shankar Ran, aged about 38 years, Male, Son of Bhola Ran resident of Village- Bishanpur Choudhary, P.S.- Ballua Bazar, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Foods Civil Supply Department, Government of Bihar, Patna.
2. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
3. The Registrar Co-operative Societies, Bihar, Patna.
4. The District Magistrate, Supaul.
5. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Bihar at Patna.
6. The Managing Director, the Bihar State Food and Civil Supplies Corporation, Bihar at Patna.
7. The District Manager, the Bihar State Food and Civil Supplies Corporation, Supaul.
8. The District Co-operative Officer, Supaul.



9. The Block Co-operative Officer, Basantpur, at Supaul.
10. The Circle Officer, Basantpur, Supaul.
..... Respondents 1st Set
11. The Bihar State Co-operative Bank Ltd., Ashok Rajpath, Patna through its Managing Director.
12. The Managing Director, the Bihar State Co-operative Bank Ltd., Ashok Rajpath, Patna.
13. The Branch Manager, the Bihar State Co-operative Bank Ltd., Bihat Branch at Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.
For the BSCB	:	Mr. Bindhyachal Rai, Advocate
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. Subodh Kumar, AC to SC 26

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 06-01-2020

Nobody appears on behalf of the petitioners.

2. Learned AC to SC 26 for the State; learned counsel for the Bihar State Food and Civil Supplies Corporation Limited and learned counsel for the Bihar State Cooperative Bank Limited have assisted the Court.

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

“(i) For issuance of a writ in the nature of ‘Certiorari’ for quashing the order as contained in memo no. 1988, 1994, 1993 & 1995 all dated 09.11.2019 whereby the petitioners have been debarred from contesting the election of PACS.

(ii) Further in the meanwhile the concerned respondents may be directed not to take any coercive action as well as stay the proceeding of



certificate case against the petitioners for realization of aforesaid amount and allow the petitioners to operate the account.

(iii) The respondents Bihar State Food and Civil Supplies Corporation Ltd., Bihar, Patna (in short BSFC Ltd.) be directed to release the payment of paddy delivered to it by the petitioner within time (relating to the year 2014-15) so that the petitioners may clear the outstanding dues of the Bihar State Co-operative Bank Ltd., Bihat Branch, Supaul and contest the coming election of Primary Agriculture Credit Society (PACS).

(iv) Pass such other order/orders as this Hon'ble Court may deem fit and proper."

4. In view of the elections of the PACS in question having already been concluded and against the certificate case statutory remedy being available, the Court finds that the present writ petition has become infructuous.

5. Accordingly, the same stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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