

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17540 of 2021

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Chandan Kumar Paswan, Son of Nand Lal Paswan, resident of Village -
Pakdiya, P.S. - Pahar Pur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Principal Secretary Co-operative Department, Bihar, Patna.
3. The Registrar Co-operative Society, Bihar, Patna.
4. The Chief Election Officer, Bihar State, Election, Authority, Bihar, Patna.
5. The Joint Registrar Co-operative Society, Tirhut Division, Muzaffarpur.
6. The District Collector Cum District Election Officer, Co-operative Society,
Motihari, East Champaran.
7. The District Co-operative Officer, Motihari, East Champaran.
8. The Managing Director, the Motihari, Central Co-operative Bank Ltd.
9. The Assistant Registrar, Co-operative Society, Motihari Circle, Motihari,
East Champaran.
10. The Block Co- operative Extension Officer Cum Administration, Pahar Pur,
East Champaran.
11. The Block Development Officer, Pahar Pur East Champaran.
12. Shri Parsuram Prasad Son of Lal Babu Prasad resident of Village - Inarwa
Bhar, P.S.- Pahar Pur, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Shankar Shrivastava, Advocate
For the Respondent/s	:	Mr.Amit Prakash, GA 13
		Mr. Ravi Bhardwaj, AC to GA-13
For Respondent No. 8	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2021

Petitioner has prayed for the following relief(s):-



I) For issuance of a writ in the nature of Certiorari for quashing the order dated 24-8-2021, corresponding to Memo No. 13/ML/Patna dated 25-8-2021 passed in Appeal Case No. 6/2021(Shri Parsuram Prasad v/s The Joint Registrar Co-operative Society, Tirhut Division, Muzaffarpur & Others), issued under the signature of the Minister Co-operative Department, Bihar Patna (Respondent No. 2) whereby and whereunder the Memo No. 380 dated 23-7.21 and Memo No. 1372 dated 29-7-21 as contained in annexure-2 & 3 respectively to this petition has been stayed by which the Joint Registrar Co-operative Society, Tirhut Division, Muzaffarpur (Respondent No. 5) directed the District Co-operative Officer, Motihar, East Champaran to appoint Administrator in the situation of dissolve the Managing Committee of Bankat Narkatiya PACS, Block-Paharpur and accordingly the District Co-operative Officer, East Champaran, Motihari has appoint the Administrator of Bankat Narkatiya PACS, Block, Paharpur.

II) For issuance of a writ in the nature of Mandamus commanding and directing the respondents to arrange/conduct the election of Bankat Narkatiya PACS, Block-Paharpur, District East Champaran as possible as earliest of Bankat Narkatiya PACS Block-Paharpur, District- East Champaran so that new Managing Committee of Bankat Narkatiya PACS Block-Paharpur, District- East Champaran may be constituted.

III). To grant any other relief or reliefs for which the petitioner is entitled from the facts and circumstances of the case.”

Learned counsel for the petitioner states that the respondent no. 12 has refused to accept service.

Statement accepted and taken on record and



proceeded *ex parte*.

Having given thoughtful consideration to the submissions made, we are of the considered view that the present petition can be disposed of on the following mutually agreeable terms:-

(a) The appellate authority, be it Minister Incharge or any other designated authority, after issuing notice and affording opportunity of hearing to all concerned, shall take a decision on the appeal preferred by the private respondent, which is yet pending consideration;

(b) The appellate authority shall pass an order assigning reasons, copy whereby shall be supplied to all concerned;

(c) Liberty reserved to the parties to place additional material in support of their contention, including adding the grounds raised before this Court;

(d) We direct the parties present to appear before the appellate authority on 29.12.2021 at 10:30 A.M.

(e) Liberty reserved to the parties to take recourse to such other remedies as are otherwise available, should the need so arise subsequently;

(f) All issues on facts and law, including its



power to decide the appeal are left open.

Present petition stands disposed of in the
aforesaid terms.

Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

