

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4643 of 2022

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1. Tardih Prakhand Matasyajivi Sahyog Samiti Ltd., At and P.O.-Narayanpur, Prakhand, Tardih, P.S.-Sakatpur, District-Darbhangha, through its Secretary Mahendra Mukhiya.
 2. Mahendra Mukhiya, Son of Ganesh Mukhiya, Resident of Village and P.O.-Narayanpur, P.S.-Sakatpur, District-Darbhangha, at Present Secretary of the Petitioner no.1.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Coopetation, Government of Bihar, Patna.
2. The Registrar, Cooperative Society, BIhar, Patna.
3. The District Cooperative Officer, Darbhanga.
4. Shiv Shankar Mukhiya, Son of Late Ram Prasad Mukhiya. Resident of Village and P.O.-Narayanpur, P.S.-Sakatpur, District-Darbhangha. Pin Code-847405.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar, Advocate
For the Respondent/s : Mr.Sushil Kumar, G.P.-22

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 13-05-2022 The petitioner has put to challenge a letter dated 10.06.2020 issued by the District Co-operative Officer, Darbhanga, whereby invoking the provisions under the Bihar Co-operative Societies Act, 1935 (in short, 'the Act') and Rules 7 and 8 of the Bihar Co-operative Societies Rules, 1959 he has allowed admission of 34 persons as the members of Tardih Prakhand Matasyajivi Sahyog Samiti Ltd. in the present writ



application filed under Article 226 of the Constitution of India.

It is evident from the said order/communication dated 10.06.2020 that the same has been issued in exercise of power conferred by the Second Explanation to Section 48(1) of the Act. Sub-section (6) of Section 48 of the Act permits an aggrieved person to prefer an appeal to the Registrar within three months from the date of such decision.

The petitioner appears to have not availed the remedy of appeal. He has filed this writ application more than one and a half years after passing of the impugned order dated 10.06.2020.

On the ground that the petitioner did not avail statutory or alternative remedy available to him within time and has approached this Court belatedly, we are not inclined to entertain this writ application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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