

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 17214 of 2021

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Tara @ Tara Devi Wife of Shivji Yadav Resident of Village - Rampur, P.S.
Jadopur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Department of Co-operative, Vikash Bhawan, New Secretariat, Patna.
2. The Additional Chief Secretary, Department of Co-operative Vikash Bhawan, New Secretariat, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The District Co-operative Officer, Gopalganj.
5. The Block Co-operative Extension Officer, Block - Gopalganj, Sadar, Gopalganj.
6. Yashoda Devi Wife of Narayan Yadav Resident of Village Semrahi, Police Station - Jadopur, District- Gopalganj.
7. Master Yadav Son of Narayan Yadav Resident of Village Semrahi, Police Station- Jadopur, District- Gopalganj.
8. Rita Devi Wife of Master Yadav Resident of Village Semrahi, Police Station- Jadopur, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Sanjay Kumar, Advocate
For the Respondent/s : Mr Uday Shankar Saran Singh, GP XIX

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CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 09-05-2022

Heard learned counsel for the petitioner and the respondents.

2 The District Cooperative Officer, Gopalganj, in exercise of power under Section 41 (iv) of the Bihar Cooperative Societies Act (hereinafter referred to as *the Act*), 1935, has



dissolved Rampur Tengrahi Primary Agriculture Credit Society (for brevity, *PACS*) under Gopalganj Sadar Block in the district of Gopalganj by order dated 16.08.2021 issued under Memo No 932 on the ground of there being stalemate in the constitution/functioning of the Board of the said PACS. After having dissolved the Executive Committee of the said PACS, an Administrator has been appointed in exercise of power under Section 14 (10) of the Act by an order of the same date, i e, 16.08.2021, issued under Memo No 933.

3 The said orders are under challenge in the present writ application, filed under Article 226 of the Constitution of India.

4 Learned counsel appearing on behalf of the petitioner has attempted to persuade this Court that the District Cooperative Officer, Gopalganj had accepted resignation of some of the Members of the Executive Committee though it was not permissible for him to do so.

5 We are not inclined, however, to interfere in the present matter for two reasons. Firstly, the impugned orders dated 16.08.2021, issued under Memo No 932 and 933 respectively, were operative for six months only from the date of their issuance, as is evident from the statutory provision, as contained in Clause (iv) of sub-section (1) of Section 41 of the Act.



6 In the order issued by Memo No 933 dated 16.08.2021, whereby the Administrator has been appointed, it has been specifically mentioned that the appointment shall be for a term of six months from the date of issuance of the said order.

7 There is no disclosure in the pleadings on behalf of the petitioner regarding development after issuance of the said orders, issued by Memo No 932 and 933, both dated 16.08.2021.

8 Secondly, if the petitioner was aggrieved by the said orders dated 16.08.2021, she had remedy of appeal before the appellate authority under Section 41 (vi) of the Act, which she did not avail.

9 In any view of the matter, in our opinion, this matter does not require interference by this Court, in the above noted facts and circumstances.

10 This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.05.2022
Transmission Date	NA

