

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17816 of 2018

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Pramod Kumar S/o Sri Ram Prasad Raut R/o Village - Nahar, P.O. -
Bhagwatipur, P.S. - Pandaul, District - Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Co-operative Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Co-operative Department, Govt. of Bihar, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The Deputy Registrar Sugarcane, Co-operative Societies, New Secretariat, Bihar, Patna.
5. The Incharge Officer, Section - 6 Reg. Credit, Co-operative Department, Bihar, New Secretariat, Pa
6. The Minister, Co-operative Department, Bihar, Patna.
7. The District Magistrate, Madhubani.
8. The Joint Secretary, Co-operative Societies, Darbhanga Division, Darbhanga.
9. The District Co-operative Officer, Madhubani.
10. Managing Director, Rahika Central Co-operative Bank Limited Rahika, District - Madhubani.
11. Navendra Jha S/o Late Kulanand Jha R/o Village and P.O. Awari, P.S. Saharghat, District - Madhubani, Ex - elected Chairman of Board of Director of Rahika Central Co-operative Bank Ltd., Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lakshmindra Kumar Yadav, Adv.
For the State	:	Mr. Sanjay Kumar, AC to GA 13
For the Bank	:	Mr. Vikash Kumar Jha, Adv.
For the Pvt. Res. No. 11	:	Mr. Rakesh Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 05-09-2023

Heard Mr. Lakshmindra Kumar Yadav, learned counsel appearing on behalf of the petitioner; Mr. Sanjay Kumar, learned counsel representing the State; Mr. Rakesh Kumar Jha, learned counsel for the private respondent no. 11 and Mr. Vikash Kumar Jha, learned counsel for the Rahika Central Co-operative Bank Limited.



2. The petitioner claimed as a PACS Chairman of Bhagwanpur Gram Panchayat, filed the present writ application seeking the following reliefs:

“(i) For issuance of an appropriate order, direction or writ for quashing Memo 28/ML dated 23.03.2018, issued by learned court of Minister, Co-operative Department, Bihar Patna 1016 in Surcharge Appeal Case No. 07/2017 whereby and whereunder the order passed in Surcharge Case No.02/2017 dt, 19.02.2017/02.01.2018 by the Deputy Registrar (Sugarcane) Co-operative Societies, Bihar, Patna has been canceled.

(ii) For issuance of an appropriate order, direction or writ for declaration that the order 19.02.2017/02.01.2018, in Surcharge Case No. 02/2017, passed by Deputy Registrar (Sugarcane), Co-operative Societies, Bihar, Patna is correct and in accordance with concerned provisions of law/rule of Co-operative Societies Act, 1935.

(iii) For direction to concerned authorities pursuance to take action of order dated 19.12.2017/02.01.2018 in Surcharge Case No. 02/2017 passed by Deputy Registrar (Sugarcane), Co-operative Societies, Bihar, Patna, whereby and whereunder respondent no. 11 has been held guilty directed to make payment of surcharge amount within one month and in case of failure recovery proceeding should be done.

(iv) For any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.”

3. Before coming to the merits of the case, a question has been posed before this Court with regard to the



locus of the petitioner for preferring the present writ petition.

4. Learned counsel for the petitioner fairly submits that though the petitioner has never been party to the proceeding nor he was the complainant on the basis of which the proceeding has been initiated, however, he tried to persuade this Court that there is manifest illegality/irregularity committed by the private respondent, pointing towards the misappropriation of public money, which compelled him to approach before this Court.

5. Generally a person whose legal right has been violated or put at peril or against whom a decision has been rendered, is allowed to bring an action in the Court, barring few exception; where the fundamental right or legal right of public at large is under threat.

6. It is well settled that a person, who is stranger to a disputed matter cannot be allowed to interfere in the judicial proceeding.

7. In view thereof, this Court *prima facie*, is not satisfied to the persuasion made by the learned counsel for the petitioner. The petitioner has other efficacious remedy under the law but the present writ petition invoking the prerogative writ jurisdiction of this Court under Article 226 of the Constitution is



not maintainable at the behest of the petitioner who has no concern to the proceedings which are the subject mater of the present writ application.

8. In view thereof, the present writ petition stands dismissed on the reasons stated hereinabove.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	08.09.2023
Transmission Date	N.A.

