

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3705 of 2023

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1. Korbaddha Primary Agriculture Cooperative Society Limited P.O.- Laguniya Suryakanth, P.S.- Town, District- Samastipur through its Chairman, Ravindra Kumar, male, aged about 45 years, S/o Ram Chandra Singh, R/o Village P.O.- Laguniya Suryakanth, P.S.- Town, District- Samastipur.
 2. Ravindra Kumar, S/o Ram Chandra Singh, R/o Village P.O.- Laguniya Suryakanth, P.S.- Town, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Cooperative Department, Govt. of Bihar, Patna.
2. The Registrar, Cooperative Societies Bihar, Patna.
3. The District Cooperative Officer, Samastipur.
4. The Managing Director, the Samastipur District Cooperative Central Bank Limited, Court Campus, Kasipur, Samastipur.
5. The Branch Manager, the Samastipur District Cooperative Central Bank Limited, Samastipur Branch, Court Campus, Kasipur, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Thakur, Advocate.
For the Bank	:	Mr. Bindhyachal Rai, Advocate.
For the State	:	Mr. Mahendra Prasad Verma, AC to SC-20.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 05-12-2023

Heard Mr. Baidya Nath Thakur, learned counsel
appearing on behalf of the petitioner; Mr. Bindhyachal Rai,
learned counsel for the Bank and Mr. Mahendra Prasad Verma,
learned AC to SC-20 for the State.

2. The petitioner has filed the writ petition for the
following reliefs:

(i) For direction to the Branch Manager of the Samastipur District Cooperative Central Bank Limited, Samastipur Branch, Court Campus, Samastipur to honor the cheques of savings account deposited by the joint signatures of the Chairman and the Manager of the Korbaddha Primary Agriculture Cooperative



Society Limited, Korbaddha as without any reason they are returned saying that the operation thereof has been stopped.

(ii) For direction to the Managing Director and the Branch Manager of the Samastipur District Cooperative Central Bank Limited, Court Campus, Kasipur, Samastipur to operate the savings bank account of the Korbaddha Primary Agriculture Cooperative Society Limited on the joint signatures of its Chairman and the Manager which was stopped without any reasonable ground.

3. Considering the nature of relief and the statement made in the writ petition as well as the counter affidavit, it appears that the funds which have been disbursed by the Central Government in terms of the recommendation of the Vaidyanathan Committee, certain funds were disbursed by the State Government Cooperative Department in favour of several PACs and the two cheques bearing cheque no.052604 dated 15.10.2020 and cheque no.052606 dated 16.12.2021 relating to the petitioner's PACs have not been honoured in view of misutilization of the fund. No objection has been made by the State Government with respect to mis-utilization of the fund or any material is there on the record. In these background, learned counsel appearing on behalf of the petitioner submits that a direction be issued to the Manager of the Bank for honouring the cheques for the development of the PACs.

4. Mr. Bindhyachal Rai, learned counsel appearing on behalf of the Bank has proceeded to argue that the Bank has not stopped the operation of the Bank account of the



Korbaddha PACs and in Para-15 of the counter affidavit, a specific statement has been made that the Branch Manager, Samastipur has conveyed to the petitioner vide reference no.90 dated 14.11.2022 regarding the operation of Bank account of the Korbaddha PACs and having gathered knowledge that the fund allocated by the Central Government pursuant to the Vaidyanathan Committee is being misutilized by the several PACs, the amount lying in the account of the Korbaddha PACs cannot be given to the petitioner / Korbaddha PACs as the petitioner PACs have not fulfilled the condition issued by the Principle Secretary, Cooperative Department as contained in Letter No. 4226 dated 30.07.2010 and on these background, he submitted that the petitioner may convene a meeting of the PACs and communicate to the State Government with respect to resolution of the PACs. The independent decision of the Chairman of the PACs is not enough for disbursement of the fund which has been stopped by the cooperative department in accordance with the guidelines of the Vaidyanathan Committee. Learned counsel further proceeded to submit that the present writ petition is not maintainable and petitioner has an alternative remedy under Section 48 of the Bihar Co-operative Societies Act, 1935 for the redressal of his grievance.



5. Having heard the rival submissions of the parties as well as the fact that the matter relates to certain scheme of the Central Government which is to be executed by the cooperative department of the State Government and the State Government has found that the funds have been misutilized as it has been reported to the Principal Secretary that the Chairman of certain PACs have not followed the guidelines of the Vaidyanathan Committee and have indulged in misappropriation of the public fund which has been disbursed by the Central Government for benefit of the members of the cooperative society which is primary Agriculture Cooperative Society.

6. Such being the case and also considering not honouring the two cheques as claimed by the petitioner who is the Chairman of the Korbaddha PACs, the matter is referred to the OMBUDSMAN.

7. At this stage, Mr. Baidya Nath Thakur, learned counsel appearing on behalf of the petitioner submits that Para-17 of the counter affidavit must be adjudicated by this Court.

8. Considering the fact that the matter is with respect to misutilization of certain government fund which has been sanctioned by the Central Government as per the direction of the Vaidyanathan Committee, this Court will not pass any



order considering the statement made in Para-17 of the counter affidavit which is reproduced hereinafter:

“That Rs.44,93374/- is lying in the account of the Korbaddha PACS. This amount is of the Korbaddha PACs which has been given by the government under the Baidyanathan Committee Report. This amount cannot given to the petitioner / Korbaddha PACs without fulfil certain conditions issued by the Principal Secretary, Co-operative Department, Government of Bihar vide letter no. 4226 dated 30.07.2010 and letter issued by District Co-Operative Officer, Samastipur vide letter no.950 dated 28.10.2020.”

9. The Branch Manager of the Cooperative Society

– respondent no.5 must forthwith appear before the OMBUDSMAN on or before 22.12.2023 to place his case as to why he has not honoured the two cheques issued by the Chairman of the PACs.

10. At this stage, Mr. Bindhyachal Rai, learned counsel for the Bank further submits that he may also appear before the OMBUDSMAN so that the grievance of the petitioner can be redressed expeditiously preferably within six weeks as desired by him.

11. The writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.12.2023
Transmission Date	N.A.

