

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3962 of 2023

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Ashok Kumar Sharma aged about 70 years, Son of Late Rajnandan Sharma,
Resident of Mohalla-A/2B4 P.C. Colony Kanakabagh, Patna, P.S.-
Kankarbagh, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of
Land and Revenue, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. The Registrar, Cooperative Societies, Govt. of Bihar.
4. The District Co-operative Officer, Patna.
5. The Secretary, the peoples Co-operative House Construction Society,
Kankarbagh, Patna-20.
6. The Vice President, the People Co-operative House Construction Society.
7. Narendra Kumar, Executive Members (Directors) of the Peoples Co-
operative House Construction Society Limited, Kankarbagh, Patna-800020.
8. Bhola Paswan, Executive Members (Directors) of the Peoples Co-operative
House Construction Society Limited, Kankarbagh, Patna-800020.
9. Vijay Kumar Sinha, Executive Members (Directors) of the Peoples Co-
operative House Construction Society Limited, Kankarbagh, Patna-800020.
10. Smt. Kanti Devi, Executive Members (Directors) of the Peoples Co-
operative House Construction Society Limited, Kankarbagh, Patna-800020.
11. Smt. Anita Singh, Executive Members (Directors) of the Peoples Co-
operative House Construction Society Limited, Kankarbagh, Patna-800020.
12. Smt. Anita Kumari, Executive Members (Directors) of the Peoples Co-
operative House Construction Society Limited, Kankarbagh, Patna-800020.
13. Smt. Kiran Devi, Executive Members (Directors) of the Peoples Co-
operative House Construction Society Limited, Kankarbagh, Patna-800020.
14. Smt. Bimla Devi, Executive Members (Directors) of the Peoples Co-
operative House Construction Society Limited, Kankarbagh, Patna-800020.



15. Sri Aditya Kumar, Executive Members (Directors) of the Peoples Co-operative House Construction Society Limited, Kankarbagh, Patna-800020.
... .. Respondents

Appearance :

For the Petitioner : Mr. Kumar Rajeev, Advocate
For the State : Mr.S.K. Mandal SC-3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 07-04-2023

Heard learned counsel for the petitioner and learned counsel for the State.

2. The writ petition has been filed as a Public Interest Litigation relying on allegations made by some members of the Peoples Cooperative House Construction Society Limited, Kankarbagh, Patna, against Respondent Nos. 5 to 15, who are office bearers and Executive Members (Directors) of the Cooperative Society that they have settled lands to their near and dear ones contrary to the interest of the Society. Reliance is placed on an alleged report (Annexure- 3 dated 30/12/2022) submitted jointly by the two Cooperative Extension Officers to the Assistant Registrar, Cooperative Societies, Sadar Anchal, Patna.

3. It is submitted by the petitioner's counsel that from the report, it is obvious that the Board of Directors of the



respondent- Cooperative Society is working against the interest of members of the Society.

4. From perusal of the writ petition Annexures, and consideration of the submissions advanced on behalf of the petitioner, it is more than obvious that the issue raised in the instant proceedings is essentially a dispute between members of the Society and its Managing Committee and office bearers, within the meaning of Section 48 of the Bihar Cooperative Societies Act 1935 ('Act' for brevity), consideration and resolution of which is to be done by the Registrar, Cooperative Societies (Respondent No. 3).

5. Even otherwise, it is by now settled by decision of a Special Bench of this Court in the case of the ***Organizer Dehri C.D. and C.M. Union Limited vs. The State of Bihar & Ors.*** reported in ***2014(1)PLJR 695*** that remedy under writ jurisdiction is not available against a Cooperative Society, which is not "State" within the meaning of Article 12 of the Constitution of India.

6. The writ application, in the nature of Public Interest Litigation, is clearly misconceived. The same is, accordingly, dismissed. The petitioner is at liberty to avail appropriate remedies in accordance with law.



7. This order may not be considered as an expression of opinion on the merits of the petitioner’s claim/allegations.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	21-04-2023
Transmission Date	

