

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11836 of 2019

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Ashok Kumar Pathak Son of Late Prabhawati Pathak Resident of
Kesharinagar, P.S.- Pataliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Co-operative Department, Govt. of Bihar, Patna.
2. The Registrar Co- operative Societies, Govt. of Bihar, Patna.
3. The District Co- operative Officer Patna.
4. The Nirala Grih Nirman Samiti Ltd. Kesharinagar, Digha, Patna-23 through its Secretary.
5. Sri Satyanarayan Singh Resident of Kesharinagar, Patna-24.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Thakur Jai Singh, Advocate
For the Respondent/s : Mr. Uday Shankar Saran Singh (Gp19)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 26-06-2023 Let the name of the counsel for the petitioner who

has since been elevated be deleted from the list.

Heard learned counsel for the petitioner as also

learned counsel for the State.

The prayer is for setting aside/quashing of the
malafide order dated 26.06.2018 by which it rejected the
application filed on the basis of a table enquiry report dated
26.07.2017 and without directing for examination by the
handwriting expert and forensic examination, it rejected the
claim of the petitioner's mother for direction to the Secretary of
the society in question to either register the plot allotted to her



or refund the money deposited equivalent to the market value of the land.

Further, for issuance of further direction/directions, order/orders to the respondent No. 2, the Registrar, Cooperatives Societies, Bihar to ensure the registration of the plot in question to the petitioner who is one of the son and legal heir of the deceased Late Prabhawati Pathak.

The counter affidavit filed on 25.11.2019 on behalf of the respondent no.2, the District Cooperative Officer, Patna in paragraph-6 has stated as follows:

“6. That one dispute case no. 55/13 was filed before the Registrar Cooperative Society claiming therein that upon paying consideration amount the Society allotted 3000 sq. ft. land in Nirala Nagar bearing Plot No. 30. When the petitioner of said dispute case approached the Secretary of the Society to execute sale deed the Secretary demanded additional money. Though full consideration amount was paid. The matter was heard at length by the Registrar cooperative Society. In course of hearing, the Registrar Cooperative Society directed the District Cooperative Officer, Patna to enquire the matter and submit report. The District Cooperative Officer, Patna in



compliance of the said order submitted his report vide Letter dated 26.07.2017 describing that the husband of the petitioner is already in possession of an another piece of land in the society. Therefore, after thorough consideration of the matter, the Registrar Cooperative Society dismissed the dispute case no. 55 of 2013 vide order dated 26.06.2018/ 06.07.2018 which has no ambiguity.”

There is no rejoinder to the said petition and as such this Court will go by the statement made in para-6 of the counter affidavit. No case is made out.

The writ petition stands dismissed.

(Rajiv Roy, J)

Prakash Narayan /-

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