

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11914 of 2022

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Janardan Singh, Male, aged about 64 years, Son of Haridwar Singh, Resident
of Village - Diha, Police Station - Ariyari in the District of Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Co-operative Society
Government of Bihar, Patna.
2. The Registrar cooperative society, Government of Bihar, Patna.
3. The Joint Registrar, cooperative society, Bhagalpur, Patna.
4. The District Magistrate, Sheikhpura.
5. The Sub Divisional Magistrate, Sheikhpura.
6. The District cooperative officer, Sheikhpura.
7. The Block cooperative officer, Ariyari Sheikhpura.
8. The Secretary, State Election Authority, Harding Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the State : Mr. Narendra Kumar Singh, AC to GP 22

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 16-01-2023

Heard Mr. Sanjeev Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Narendra Kumar Singh, learned
AC to GP 22 for the State.



2. The present writ application has been filed for the following reliefs:

“(I) To issue a writ in the nature of mandamus commanding the respondent to restrain the function of Diha PACS, (Ariyari) which lost its majority after resignation of 7 Elected members out of 11 total elected members.

(II) Also for commanding the respondents authority to hold a fresh election of Diha PACS after resignation of majority of elected members and more than 7 months has been passed.

(III) Also for attaching the Diha PACS with nearest functional PACS in view of the guideline dated 1/11/21.

(IV) Also for any other relief/reliefs for which he is found entitled in the eyes of law.”

3. A counter affidavit has been filed on behalf of the respondent no. 6. Learned counsel appearing on behalf of the State-respondent by referring to the statements made in paragraphs no. 8 and 9 submits that with regard to the dispute in issue, the petitioner has filed a Miscellaneous Case bearing Misc. Case No. 06 of 2022 before the Registrar, Co-operative Societies in which a direction has been issued to enquire about the quorum of the society. He further submits that no person can pursue two remedies in respect of the same matter at the same time.

4. On a query made by this Court with regard to the present status of the PACS in question, upon instruction he submitted that Diha PACS has been attached with Ariyari Vyapar Mandal for interregnum period.



5. In view of the submissions made on behalf of the State, the present writ application stands disposed of with a liberty to the petitioner to pursue Misc. Case No. 06 of 2022, before the Registrar. It is expected that the aforesaid case would be disposed of expeditiously preferring within a period of six weeks from today.

(Ahsanuddin Amanullah, J)

(Harish Kumar, J)

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