

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.348 of 2023

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Gulten Sahani Son of Gagandev Sahani, Resident of Village - Gaurigama,
P.S.- Runnisaidpur, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Registrar, Co-operative Societies, Vikas Bhawan,
Govt. of Bihar, Patna.
2. The District Co-operative Officer, Sitamarhi, District - Sitamarhi.
3. The Block Development Officer, Runnisaidpur, Block - Runnisaidpur,
District - Sitamarhi.
4. The Block Co-operative Officer, Runnisaidpur, Block - Runnisaidpur, P.S. -
Runnisaidpur, District - Sitamarhi.
5. The Runnisaidpur Fisheries Co-operative Officer through its Secretary, P.S. -
Runnisaidpur, District - Sitamarhi.
6. Naresh Sahani, Son of Ram Briksha Sahani, Resident of Village- Gauri
Gama, P.S.- Runnisaidpur, District - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramchandra Sahni, Adv.
For the State	:	Mr. Balram Kapri, AC to SC 26
For the Respondent No. 6	:	Mr. Shashi Bhusan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-10-2023

Heard Mr. Ramchandra Sahni, learned counsel
appearing on behalf of the petitioner and Mr. Shashi Bhushan
Singh, learned counsel for the respondent no. 6. Mr. Balram
Kapri, learned counsel representing the State officials.

2. The petitioner claimed to be member of the
Runnisaidpur Fisheries Co-operative Societies, which is a
registered society under the Bihar Cooperative Societies Act,
1935, preferred the present writ petition seeking cancellation of



the membership of respondent no. 6 from Runnisaidpur Fisheries Co-operative Societies on the ground that the respondent no. 6 has been enrolled as member of the said society by the Administrator who had no jurisdiction to enroll any one as member of the society in view of decision rendered by the Hon'ble Apex Court in case of **K. Shantharaj and Anr. Vs. M.L. Nagaraja and Ors.** Since reported in **AIR 1997 SC 2925**. The petitioner further prays for quashing of the order dated 26.08.2011 passed by the Registrar Co-operative Societies, Bihar, Patna by which the order dated 06.07.2010 passed by the District Cooperative Officer, Sitamarhi was quashed.

3. It is submitted on behalf of the petitioner that while the Society was under supersession in the year 1993 and the Administrator was appointed to manage the affairs of the Society, in the meantime, the respondent no. 6 was enrolled as member of the society by the Administrator on 25.01.1993 (mistakenly written as 25.01.1994 in paragraph no. 6, as stated by the petitioner). It is further submitted that on account of illegal and improper acceptance of membership one Ramu Sahni had filed Case No. 17 of 2009 before the court of District Cooperative Officer, Sitamarhi wherein *vide* order dated



06.07.2010, the membership of the respondent no. 6 was declared invalid. The aforesaid order dated 06.07.2010 was put in question by the respondent no. 6 before the Registrar Cooperative Societies, Bihar, Patna in Case No. 142 of 2010 and *vide* order dated 26.08.2011, the order of the District Cooperative Officer, Sitamarhi came to be quashed and cancelled.

4. On being aggrieved by the order passed by the Registrar, Cooperative Society, said Ramu Sahni approached before this Court in CWJC No. 17161 of 2012 which was finally withdrawn by Ramu Sahni with liberty to seek review of the order dated 26.08.2011 passed in Appeal Case No. 142 of 2010.

5. It is submitted on behalf of the respondents that after a delay of more than 11 years, the petitioner has filed the present writ petition assailing the order dated 26.08.2011 passed by the Registrar Cooperative Societies, Bihar Patna. The learned counsel for the private respondent no. 6, while refuting the contention of the writ petitioner, submits that the respondent no. 6 has never been appointed by the Administrator rather he was enrolled as a member of Runnisaidpur Fisheries Co-operative Societies by the Secretary of the Society and in support thereof he has brought the membership receipt which is marked as



annexure B to his counter affidavit.

6. He further submits that Ramu Sahni is non-else but the own brother of the petitioner, as would be evident from the parentage of both the persons and, moreover, despite the liberty granted to Ramu Sahni till date no review has been filed and only in order to wreak vengeance the present writ petition has been filed after a delay of more than 11 years.

7. Regard being had to be submissions made on behalf of the parties and considering the unexplained delay in approaching the Writ Court, apart from the writ petition being wholly misconceived, this Court is not inclined to interfere in the present writ petition and accordingly the same stands dismissed on account of delay and laches.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	10 .10.2023
Transmission Date	N.A.

