

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2542 of 2023**

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Shashi Shankar Son of Sri Akhileshwar Prasad Singh R/o Village- Koili, P.S.-  
Makhdumpur, District- Jehanabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Co-operative Department, Govt. of Bihar, Patna.
2. The Secretary, Co-operative Department, Govt. of Bihar, Patna.
3. The Registrar, Co-operative Department, Govt. of Bihar, Patna.
4. The District Magistrate, Jehanabad, District- Jehanabad.
5. The Joint Director, Co-operative Department, Govt. of Bihar, Patna.
6. The District Co-operative Officer, Jehanabad, District- Jehanabad.
7. The Block Extension Co-operative Officer, Makhdumpur, District- Jehanabad.
8. The Superintendent of Police, Jehanabad, District- Jehanabad.
9. Sri Kamlesh Kumar, Son of Sri Sundar Sharma R/o Village- Koili, P.S.- Makhdumpur, District- Jehanabad (Bihar), Chairman, PACS, Co-operative Society, Manjhos PACS, Makhdumpur, District- Jehanabad.
10. Rahul Kumar, Son of Ram Nibas Sharma R/o Village- Koili, P.S.- Makhdumpur, District- Jehanabad (Bihar).

... .. Respondent/s

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**Appearance :**

|                         |   |                                                                                              |
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| For the Petitioner/s    | : | Mr. Dinu Kumar, Advocate<br>Mrs. Ritika Rani, Advocate<br>Mr. Vardaan Nangalam, Advocate     |
| For the State           | : | Mr. Syed Iqbal Ahmad (SC20)<br>Mr. Mahendra Pd. Verma, AC to SC20                            |
| For the Res. No. 9 & 10 | : | Mr. S.B.K. Manglam, Advocate<br>Mr. Dhananjay Kumar, Advocate<br>Mr. Rajnish Kumar, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

10    01-07-2024                      Heard Mr. Dinu Kumar, learned counsel for the  
  
petitioner as also the State and Mr. S.B.K. Manglam, learned  
  
counsel representing respondent nos. 9 and 10.

2. The present petition has been preferred for the



following reliefs:

*(i) for quashing the letter no. 706 dated 07.11.2022 issued by Joint Registrar, Co-operative Society, Magadh Division, Gaya as contained in annexure 7 by which grievances raised by the petitioner on 01.11.2022 has been rejected without holding proper enquiry;*

*(ii) to enquire into the matter about role attributed by Respondent no.5- The Joint Director, Co-operative Department. Government of Bihar, Patna, Respondent no.6- The District Co-operative Officer, District Jehanabad, and Respondent no.7. The Block Extension Co-operative Officer. Makhdumpur, District-Jehanabad, for misuse of money and action of Respondent no.9- Kamlesh Kumar (Chairman, Manjhos PACS) who is acting contrary to the Govt, resolution and Co-operative Societies Act and its Rule Government. circular issued from time in misusing the Government fund, not making proper payment to the beneficiaries, member of the Manjhos PACS, in purchasing Paddy crops, not issuing proper receipt and allowing Ram Niwas Sharma own brother of Kamlesh Kumar. Chairman, Manjhos PACS who is the Mukhiya of Manjhos Gram*



*Panchayat as Manager Manjhos PACS and later on Respondent no.9 Rahul Kumar Son of outgoing Mukhiya namely Ram Niwas Sharma own nephew of Kamlesh Kumar, Chairman, Manjhos PACS, in preparation of voter-list-in the name of dead persons whose details have been given para no. 4 issuing paddy more than procurement receipt in favour of Raiyat and non-Raiyat in comparison to the area owned by Raiyat and non-taiyat bungling in the deposit against name of Raiyat and non-Raiyat whose details have been given in para no. 5-6;*

*(iii) for taking appropriate action against authority concerned who are responsible to ensure proper functioning of Manjhos PACS who have failed to supervise and take action against Respondent no.8 Kamlesh Kumar, Chairman PACS, Ram Niwas Sharma, Manager of PACS who is brother of Kamlesh Kumar, Chairman PACS now Respondent no.10 Rahul Kumar Son of Ram Niwas Sharma, Mukhiya of Manjhos Gram Panchayat and nephew of Chairman Kamlesh Kumar, Manjhos PACS and functioning against Govt. Rules by Kamlesh Kumar Chairman, PACS, Manjhos in issuing procurement receipt of Agriculturist preparation of the voter list of the dead persons;*



*(iv) for restraining respondent no.10 Rahul Kumar Son of Ram Niwas Sharma, functioning as Manager PACS Manjhos who is nephew of Kamlesh Kumar, Chairman PACS and Son of Ram Niwas Sharma, Mukhiya Manjhos Gram Panchayat in Block Makhdumpur, District- Jehanabad.*

3. Number of orders have been passed and still the matter remains inconclusive. It is the case of the petitioner that lots of illegalities/irregularities will come into picture once the proper enquiry is held and all necessary parties are heard. He submits that though orders were passed by a co-ordinate Bench of this Court, the District Co-operative Officer, Jehanabad (respondent no. 6) failed to take the matter to its logical conclusion. He submits that to cut short the matter, it would be appropriate that the head of the District, the District Magistrate, Jehanabad (respondent no. 4) takes up the case of the petitioner.

4. The State Counsel as also Mr. Manglam, learned counsel representing the respondent nos. 9 and 10 concur that it would be appropriate that the District Magistrate, Jehanabad hears the matter.

5. In that background, the writ petition stands disposed of with a direction to the petitioner to approach the District Magistrate, Jehanabad in next four weeks alongwith all



the relevant documents. If he approaches the D.M., Jehanabad in next four weeks, after putting all the concerned parties on notice and perusing the record, the matter has to be taken to its logical conclusion in next four months.

**(Rajiv Roy, J)**

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