

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3889 of 2023

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1. Lalo Sahni, Son of Late Anoop Lal Sahni Resident of Village-Singhiya Bujurg North, P.O.-Singhiya Ghat, District-Samastipur, Elected Secretary.
 2. Bibhutipur Prakhand Matasyajivi Sahyog Samiti Ltd., Bibhutipur through its elected Secretary Lalo Sahni.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Co-operative Department, Bihar, Patna.
2. The Registrar, Co-operative Societies, Bihar, Patna.
3. The Joint Registrar, Co-operative Societies, Darbhanga Division, Darbhanga, District-Darbhangha.
4. The District Co-operative Officer, Samastipur.
5. The Block Development Officer, Bibhutipur, District-Samastipur.
6. The Asst. Registrar, Co-operative Societies, Rosera Circle, District-Samastipur.
7. The Co-operative Extension Officer, Block-Bibhutipur, District-Samastipur.
8. Ranjeet Kuamr Sahni Son of Ram Narayan Sahni Resident of Village and P.O.-Belsandi, Ward No.7, District-Samastipur.
9. Mantun Sahni Son of Chhannu Sahni Resident of Village and P.O.-Belsandi Dih, Ward No.9, District-Samastipur.
10. Sanjeet Kumar Son of Late Ram Bahadur Sahni Resident of Village and P.O.-Chakhabib, Ward No.9, District-Samastipur.
11. Kuldeep Sahni Son of Ram Kripal Sahni Resident of Village and P.O.-Belsandi Dih, Ward No.7, District-Samastipur.
12. kameshwar Sahni Son of Sita Ram Sahni Resident of Village and P.O.-Belsandi Dih, Ward No.7, District-Samastipur.
13. Tinku Sahni Son of Garib Sahni Resident of Village and P.O.-Belsandi Dih, Ward No.9, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Deepak Kumar, Advocate.
For the State	:	Mr.Sushil Kumar, GP-22.
		Mr. Uday Prasad, AC to GP-22.
For respondent no.8	:	Mr. Rakesh Kumar Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-01-2024

Heard Mr. Deepak Kumar, learned counsel



appearing on behalf of the petitioner; Mr. Sushil Kumar, learned GP-22 along with Mr. Uday Prasad, learned AC to GP-22 for the State and Mr. Rakesh Kumar Jha, learned counsel for the respondent no.8.

2. The petitioner has filed the writ petition for the following reliefs:

“That this application is for quashing the order passed by the respondent no.3, Joint Registrar, Co-operative Societies, Darbhanga Division, Darbhanga in transferred membership Appeal Case No.2/2022 on 14.12.2022/11.01.2023 issued vide memo No.7 dated 11.01.2023 contained in Annexure-1, where respondent No.2 has transferred the membership appeal case No.17/22 which was filed by the Six appellants (respondent nos. 8 to 13 of the writ petition) under Rule-7 of the Bihar Co-operative Societies Rules, 1959 such transferred Appeal is against the provision of law and out of only six appellants (Respondent No.8 to 13 of this writ application), respondent no.3 has stated in his order vide Annexure-1 that 269 persons are liable to make members under the provision of Rule – 7(e) of the Bihar Co-operative Societies Rules, 1959 after ignoring the aspect of the petitioner society which is also against the provision of law and further directed the petitioner no.1 to sent all 269 applications to respondent no.4 and respondent no.4 will check and review the membership eligibility of all applicants and also directed that, the eligible persons will deposit the admission fee and share money without making them parties, such order contained in Annexure-1 is itself contradictory, vague, malafide, against the provision of law and the same is fit to be set aside.”

3. Learned counsel appearing on behalf of the petitioner submits that in terms of the provision of Rule 7 (e) of the Bihar Co-operative Societies Rules, 1959, there is provision of deemed membership when any person has applied for membership. Learned counsel submits that he has no instruction



in spite of the fact that today this Court had directed him to seek instruction from the petitioner who is the Secretary of Bibhutipur Prakhand Matasyajivi Sahyog Samiti Limited whether decision taken by him refusing to get the members registered was the decision of the Society. In alternative, he submits that the matter be referred to the Society to reconsider the membership of all the persons who applied for the membership of the society with rectified form. The Society may provide opportunity to rectify and correct any discrepancy in the membership form already submitted.

4. Considering the aforesaid submission made on behalf of the petitioner, the Society concerned is directed to take corrective measures to accept the membership form of the persons who approaches the Society.

5. With the above observation, the writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	19.01.2024
Transmission Date	N.A.

