

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4211 of 2020

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1. Manish Kumar Son of ViJay Kishore Singh, Resident of Village-Phulwariya, P.O. Rajepur, P.S. Baruraj, District-Muzaffarpur.
 2. Ramesh KUMar Sahani Son of Bhagirath Sahani Resident of Village-Sadhnapur, P.O. Rampur Bheriyahi, P.S. Kathaiya, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Government of Bihar, Patna..
2. The Registrar, Cooperative Societies, Bihar, Patna.
3. The District Cooperative Officer, Muzaffarpur, District-Muzaffarpur.
4. The Block Cooperative officer, Motipur, District-Muzaffarpur.
5. Parsauni Nath Primary Agriculture Credit Cooperative Society Through the Chairman, P.O. Rajepur, P.S. Baruraj, District-Muzaffarpur.
6. Hardi Primary Agriculture Credit Cooperative Society through the Chairman, P.O. Rampur Bheriyahi,, P.S. Kathaiya, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anita Kumari, Adv.
For the Respondent/s : Mr.Manoj Kr. Ambastha (SC26)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 15-03-2024 Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for directing the respondent Nos. 5 and 6 to implement the order dated 28.06.2019/ 26.07.2019 passed by the respondent No.2 (The Registrar, Cooperative Societies passed in Criminal Misc. Case No.52 of 2018 (Manish Kumar Vs. District Cooperative Officer, Muzaffarpur and Ors.)

3.Counsel for the State raised preliminary objection



that in such type of matter, the order passed by the Special Bench in case of **the Organizer, Dehri CD and C.M Union Ltd. & Ors. vs. State of Bihar & Ors.** reported in **2019 (1) PLJR 695** in which the writ is not maintainable against the cooperative.

4. After hearing the arguments, it transpires to this Court that Section 51 of the Bihar Cooperative Societies Act, 1935 talks about the provisions relating to enforcement of order passed by Registrar. As such, this Court is of the firm view that the recourse available to the petitioner for enforcement of the order of the Registrar, is under section 51 of the Bihar Cooperative Societies Act, 1935 itself.

5. In this background, this writ application stands disposed off granting liberty to the petitioner to avail remedy under the provision laid down in the Bihar Cooperative Societies Act, 1935 itself.

(Dr. Anshuman, J.)

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