

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11803 of 2023

1. Gothauli Primary Agriculture Credit Co-operative Society Block- Barun, District- Aurangabad (Bihar), through its Chairman, Sri Amit Ranjan, Male, aged about 27 years, son of Late Nawal Kishore Singh, Resident of Dharmapura, P.S.-Jamhaur, District- Aurangabad, PIN Code-824124.
2. Mahuawan Primary Agriculture Credit Co-operative Society, Block- Madanpur, District- Aurangabad (Bihar), through its Chairman, Sri Niraj Chauhan, Male, aged about 36 years, son of Akshayavat Singh, Resident of Village- Mahuawan, P.S. Madanpur, District- Aurangabad, PIN Code-824208.
3. Chai Nawada Primary Agriculture Credit Co-operative Society, Block- Madangpur, District- Aurangabad (Bihar), through its Chairman, Sei Nagbansh Singh, Male, aged about 49 years, son of Yamuna Singh, Resident of Village- Ratan Bigha, P.S. Salaiya, District- Aurangabad, PIN Code-824103.
4. Beri Primary Agriculture Credit Co-operative Society, Block- Madanpur, District- Aurangabad (Bihar), through its Chairman, Sri Ramesh Kumar Singh, Male, aged about 63 years, son of Late Surendra Prasad Singh, Resident of Village- Beri, P.S. Salaiya, District Aurangabad, PIN Code-824218.
5. Amilona, Primary Agriculture Credit Co-operative Society, Block- Obra, District- Aurangabad (Bihar), through its Chairman, Sri Mukesh Kumar Singh, Male, aged about 45 years, son of Late Arjun Singh, Resident of Village Mehnda, PS. Jamhaur, District- Aurangabad, PIN Code- 824121.
6. Jai Hind Tendua, Primary Agriculture Credit Co-operative Society, Block- Navinagar, District- Aurangabad (Bihar), through its Chairman, Sri Shashank Raj, Male, aged about 40 years, son of Arun Kumar Singh, Resident of Village Fuldiha, PS. Mali. District Aurangabad, Pin Code-824301.
7. Kara, Primary Agriculture Credit Co-operative Society, Block- Obra, District Aurangabad (Bihar), through its Chairman, Sri Vivek Kumar Sankrityayan, Male, aged about 33 years, son of Ramesh Dubey, Resident of Village- Kara, PS. -Obra, District Aurangabad, PIN Code- 824124.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, Department of Cooperative, Bihar, Patna.
3. The Registrar, Cooperative Society, Bihar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 15592 of 2023



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1. Raju Yadav Son of Sri Raghunandan Yadav, Resident of Village - Paluhar Tola, Panday Bigha, P.S- Tekari, District - Gaya.
 2. Krishna Gopal Singh, Son of Vijay Sharma, Resident of Village- Sowal, P.S. - Tekari, District - Gaya.
 3. Mahesh Prasad, Son of Bihari Singh, Resident of Village - Noni, P.S. - Tekari, District - Gaya.
 4. Vijay Narayan Singh, Son of Indradev Narayan Singh, Resident of Village - Chitoukhar, P.S. - Tekari, District - Gaya.
 5. Satyendra Kumar Sharma, Son of Amar Sharma, Resident of Village - Mau, P.S. Tekari, District - Gaya.
 6. Ajit Kumar, Son of Sudama Singh, Resident of village - Sinduari, P.S. - Konch, District- Gaya.
 7. Deepak Kumar, Son of Vijay Singh, Resident of Village - Konch, P.S. - Konch, District - Gaya.
 8. Rakesh Kumar, Son of Vigan Yadav, Resident of Village- Khatenu, P.S. - Tekari, District - Gaya.
 9. Chandradev Yadav, Son of Faguni Yadav, Resident of Village- Kabar, P.S. - Anti, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Cooperative, Vikash Bhawan, New Secretariat, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The District Co-operative Officer, Gaya.
5. The Assistant Registrar, Co-operative Societies, Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17138 of 2023

Birendra Prasad Yadav Son of Ishwari Prasad Yadav, resident of Village- Bilandpur, Police Station-Mahinwara, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Cooperation, Vikash Bhawan, New Secretariat, Patna.
3. The Registrar, Co-Operative Societies, Bihar, Patna.
4. The District Co-Operative Officer, Sitamarhi.



5. The Assistant Registrar, Co-operative Societies, Sitamarhi.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11803 of 2023)

For the Petitioner/s : Mr. Amit Shrivastava, Sr. Advocate.
Mr. Girish Pandey, Advocate.
Mr. Chandan Priyadarshi, Advocate.
For the Respondent/s : Mr. Sushil Kumar, GP-22.
Mr. Uday Prasad, AC to GP-22.

(In Civil Writ Jurisdiction Case No. 15592 of 2023)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.
For the Respondent/s : Mr. Subodh Kumar, AC to SC-26.

(In Civil Writ Jurisdiction Case No. 17138 of 2023)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.
For the Respondent/s : Mr. Sudhanshu Shekhar, AC to SC-24

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-01-2024

Heard Mr. Amit Shrivastava, learned senior counsel along with Mr. Girish Pandey, learned counsel appearing on behalf of the petitioner in C.W.J.C. No. 11803 of 2023 and Mr. Sanjay Kumar, learned counsel appearing on behalf of the petitioner on C.W.J.C. Nos. 15592 of 2023 and 17138 of 2023; Mr. Sushil Kumar, learned GP-22 along with Mr. Uday Prasad, learned AC to GP-22 for the State in C.W.J.C. No. 11803 of 2023; Mr. Subodh Kumar, learned AC to SC-26 for the State in C.W.J.C. No. 15592 of 2023 and Mr. Sudhanshu Shekhar, learned AC to SC-24 for the State in C.W.J.C. No. 17138 of 2023.

2. The issues involved in all these three writ petitions are common, these writ petitions are being disposed of by a common order.



3. Learned counsel appearing on behalf of the petitioners submits that in light of the announcement made in Memo No. 4003 dated 26.06.2023 and guidelines contained therein, no public notice was issued nor the Chairman of any of the PACs were given prior information to attend the meeting and to carry on the objective contained in Memo No. 4003 dated 26.06.2023 and Memo No. 4882 dated 04.08.2023 and also the Memo No. 4882 dated 04.08.2023 (Annexure-2) to be in violation of Memo No. 4003 dated 26.06.2023 (Annexure-1) because without adopting the mode prescribed in Memo No. 4003 dated 26.06.2023, they have proceeded to accept on line membership form.

4. Considering the infirmities pointed out on behalf of the petitioner, the Registrar, Cooperative Society, Bihar is directed to contact each and every PACs and hold a meeting for adopting the mechanism provided in Memo No. 4882 dated 04.08.2023 taking into consideration the interest of the farmers and the members of the PACs. The Registrar, Cooperative must not delay the matter and expeditiously conclude the entire formalities in consultation with the State Government as to whether there is any requirement of amending any of the provisions of the Cooperative Act and the Rules to facilitate on



line acceptance of membership. In this regard, a reference can also be made to the bye laws of different Primary Agriculture Society Limited as prescribed by the Registrar Cooperative and the State Government, particularly with respect to bye laws 5.

5. The Registrar or the State Government must meet the objection raised by the Chairman of the PACs or any interested persons affected by the notification in accordance with law.

6. The writ petitions stand disposed of.

(Purnendu Singh, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.01.2024
Transmission Date	N.A.

