

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12387 of 2023

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Bihar Rajya Matyasajibi Sahkari Sangh Ltd. 1st floor, Meen Bhawan, West Boring Canal Road, P.S.- S.K. Puri, District- Patna through its Managing Director, Rishikesh Kashyap @ Rishikesh Sahni, resident of Shivajee Nagar, P.S.-Town, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Co- operative Department, Bihar, Patna.
2. The Registrar, Co-operative Society, Government of Bihar, Patna.
3. The Joint Registrar, Co-operative Societies, Government of Bihar, Patna.
4. The Assistant Registrar, Co-operative Societies, Government of Bihar, Patna.
5. The Union of India, through the Secretary, Co-operative Department, Government of India, Krishi Bhawan, New Delhi.
6. The Central Registrar, Co-operative Societies, Co- operative Department, Atal Akshay Urza Bhawan, C.G.O. Complex, Government of India, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar, Advocate
For the Respondent/s : Mr. Manoj Kumar Ambastha (SC- 26)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 02-01-2024 Heard Mr. Krishna Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Manoj Kumar

Ambastha, learned SC-26 for the respondent/s.

2. The petitioner has filed the writ petition for the

relief(s) as prayed for in paragraph no. 1 of the present writ

petition, which *inter alia* is reproduced hereinafter:

*“1. That this writ application is being filed for
issuance of an appropriate writ/writs, order/orders in the nature
of the certiorari for quashing the letter bearing Memo NO. 3873
dated 20.06.2023 issued under the signature of Joint Registrar,
Co-operative Societies, Bihar, Patna whereby the petitioner*



society has been directed not to use the short name as C.O.F.F.E.D. for its society/ federation saying that the Bye-laws of petitioner society is not registered under the possession of Multi State Co-operative Societies Act, 2002 and further in the nature of mandamus for directing and commanding the state respondents not to interfere in the matter of the petitioner society/ federation which is deemed registered under the provision of Section 103 of State Co-operative Societies Act, 2002 and further any other relief/reliefs for which the petitioners are entitled in the facts and circumstances of the case.”

3. Mr. Krishna Kumar, learned counsel appearing on behalf of the petitioner submitted that the Joint Registrar (Panani), Cooperative Societies, Bihar, Patna had issued a letter to the petitioner society contained in letter no. 3873 dated 20.06.2023 (Annexure-5) and challenging the same he has made statement in paragraph no. 11 of the writ petition stating therein “That it is stated that Respondent No. 3 without considering the clarification submitted by the petitioner society, issued a letter to the petitioner society vide letter No. 3873 dated 20.06.2023 directing the petitioner not to present/show as C.O.F.F.E.D. in the name of the petitioner society and also alleged that the Bye-laws of petitioner society is not registered under Multi State Co-operative Societies Act.”

4. Learned counsel has raised objection to the very jurisdiction of the Joint Registrar to pass the order dated 20.06.2023 as contained in Annexure-5 to the petition, on the premise that the impugned order is contrary to the fact that after enactment of Multi State Cooperative Societies Act, 2002 and in



view of the Section 103 of the said Act, the petitioner society has become deemed Multi State Cooperative Society as stated in Letter No. 3401 dated 20.04.2017 issued under the signature of Deputy Registrar (Eikh), Cooperative Societies, Bihar, Patna. Therefore, the Registrar, Cooperative Societies, Bihar, Patna lacks jurisdiction in the matter of the petitioner's society (Annexure-1).

5. Learned counsel has also placed reliance on Letter No. 787 dated 25.01.2019 as contained in Annexure-2 to the writ petition issued by the Assistant Registrar, Cooperative Societies, Bihar, Patna to the Deputy Secretary, Bihar State Election Authority, Patna enclosing the list of State level Cooperative societies registered under the Bihar Cooperative Societies Act, 1935 which are deemed Multi State, and in the said list, the name of the petitioner society stands at Serial No. 3 and the same was also sent to the office of Central Registrar, New Delhi.

6. Learned counsel in support of his argument, has referred to an order of the Government of India, Ministry of Agriculture & Farmers' Welfare, Department of Agriculture, Cooperation & Farmers' Welfare dated 19.10.2016 issued under the signature of Joint Secretary to the Government of India and



Central Registrar of Cooperative Societies passed in compliance of order dated 04.12.2015 passed by this Court in CWJC No. 16760 of 2012 (*Prgatishil Adarsh Sahakari Grih Nirman Samiti Ltd & Anr. vs. The State Of Bihar*).

7. Upon query made by this Court, as to whether, in light of the order and in terms of the statutory provision of Multi State Cooperative Society Act, 2002, the petitioner has obtained any registration certificate or he has pursued his remedy just after coming into force of the Act in the year 2002 as the mandate of the Act required registration in case of societies, which are functioning in more than two states. After the reorganization of the State of Bihar in the year 2000, the society remained to function in the newly reorganized State of Jharkhand and, therefore, the mandate of statutory provision of Section 103 and in want of any evidence in support of the information given by the petitioner that society has taken steps to obtain registration certificate from the Central Registrar of Cooperative Societies, in light of the decision of the Joint Secretary to the Government of India, Ministry of Agriculture & Farmers' Welfare, Department of Agriculture, Cooperation & Farmers' Welfare, the petitioner may pursue his remedy before the Central Registrar of the Cooperative Societies and furnish a



copy of the registration certificate before the Registrar Cooperative Societies, Bihar in compliance of notice issued to the petitioner contained in Letter No. 1234 dated 21.02.2023.

8. At this stage, learned counsel submitted that the Joint Registrar has no power to interfere with the affairs of the petitioner cooperative society.

9. This Court finds that such submission is misconceived in absence of any certificate having been brought on record in light of the evidence to the effect that petitioner has pursued its remedy before the Central Registrar Cooperative Societies.

10. So far as the dispute with respect to the short name of the petitioner society is concerned, the petitioner has remedy under the statutory provision of Copyright Act, 1957 and he may pursue its remedy in accordance with the said provision.

11. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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