

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14679 of 2024

Mahendra Kumar Sinha Son of Late Surya Narayan Prasad, Resident of Village- Maur, P.S.- Barbiga, District- Sheikhpura, presently resident in the house of Late Rajeshwar Prasad Singh, Satya Suruti in Mohalla- New LIC Colony, Shivpuri, P.S. and P.O.- Shastri Nagar, District- Patna- 800023.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Co-operative Department Bihar., Patna
2. The Registrar, Cooperative Society, Bihar Patna
3. The Deputy Registrar (HQ), Cooperative Societies, Bihar, Patna.
4. The District Cooperative Officer, Cooperative Societies Department, Patna District, Chhajubagh, P.S.- Kotwali, Patna- 800001.
5. Ganga-Yamuna Sangam Sahkari Grih Nirman Samiti, P.S.- Purandarpur, District- Patna- 800001.
6. The Chairman, Ganga-Yamuna Sangam, Sahkari Grih Nirman Samiti, New Purandarpur, P.S.- Pirbahore, District- Patna- 800001.
7. The Honorary Secretary, Ganga-Yamun Sangam Sahkari Grih Nirman Samiti, New Purandarpur, P.S.- Pirbahore, District- Patna- 800001.
8. The Treasurer and Members of Management Committee, Ganga-Yamun Sangam Sahkari Grih Nirman Samiti, New Purandarpur, P.S.- Pirbahore, District- Patna- 800001.
9. The Registrar, Patna Civil Court, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Roona, Advocate
For the Respondent/s : Mr.Standing Counsel 8

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 24-09-2024 Heard Ms. Roona, learned counsel for the petitioner
and the State.

2. The petitioner has prayed for the following reliefs:

*(i) for issuance of an
order/direction/appropriate writ
commanding the respondents to*



register the land in favour of the petitioner or to refund the amount of Rs. 75000/- paid by the Petitioner with compound interest @ 12% in terms of order dated 13.07.2016 passed by Deputy Registrar (Head Quarter) Bihar, Patna;

(ii) for direction upon the respondent No. 2 to ensure attendance of respondents Cooperative Society in Execution Case No. 113/2023 pending in the Court of Learned Execution Munshif, Patna so that the order as contained in Annexure-2 is given its effect within a reasonable time frame;

(iii) for a direction upon the State Respondents to hold an enquiry with regard to fraudulent activities of the Respondents Co-Operative



Society so that the land for allotment to its member in identified and he is not allowed to run away with its obligation of allotment of land to the Petitioner; (iv) any other order/orders for which the petitioner is found entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner has straight away taken this Court to the memo no. 6067 dated 13.07.2016 issued by the Deputy Registrar, Cooperative Societies, Bihra, Patna (Miscellaneous Case No. 39 of 2011 Mahendra Kumar Sinha vs. the President, Ganga-Yamuna Sangam, Sahkari Grih Nirman Samiti, Patna) by which the concluding portion records that either the petitioner has to be allotted a land and/or to refund the amount alongwith 12 per cent interest.

4. According to the learned counsel, they have failed to take any steps despite the passage of eight years and as such Execution No. 113 of 2023 has been preferred before the learned Munsif, Patna for the execution of the order dated 25.05.2016.



5. It is unfortunate that an order which has not been challenged, the same is defied. However, since Execution Case No. 113 of 2023 is pending, the competent Court where the matter is pending is directed to take up the same and dispose it of preferably within a period of one year from the date of the order is received by the said Court.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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