

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14380 of 2023

Ashok Singh Son of Ramayan Singh Resident of Village Bhawal, Police Station Ramnagar, District West Champaran, at present Chairman, Bhawal PACS, Ramnagar, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, West Champaran.
2. The District Magistrate, West Champaran.
3. The District Cooperative Officer, Bettiah, West Champaran.
4. The District Supply Officer, West Champaran.
5. The Block Cooperative Extension Officer, Block Ramnagar, District West Champaran.
6. The Bihar State Food and Civil Supplies Corporation through its Managing Director, Sone Bhawan, Patna, Bihar.
7. The District Manager, State Food Corporation, Bettiah.
8. M/s Vindhyavasini Agra Industries, Ramnagar, West Champaran through its Proprietor, Dilip Kumar, son of Vashistha Prasad, resident of village Langari, P.S. Lauriya, District West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. Syed Iqbal Ahmad (SC- 20)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. Shailendra Kumar Singh, learned counsel appearing on behalf of the Bihar State Food and Civil Supplies Corporation Limited (B.S.F.C.) and Mr. Syed Iqbal Ahmad, learned SC-20 for the State.

2. Petitioner has prayed for following relief(s) in paragraph no. 1 of the writ petition, which inter alia is



reproduced hereinafter:

“1. That the petitioner is invoking the writ jurisdiction of this Hon’ble Court for issuance of appropriate writ/writs in the nature of mandamus seeking direction to respondent authorities to consider the representations submitted by the petitioner and on due consideration of the representation, take appropriate action against the miller (Respondent no.8) for not supplying CMR to the petitioner, even after issuance of STR, within fixed time. The petitioner further prays for restraining the respondent authorities from taking any coercive action against the petitioner for non-supply of CMR within fixed time as the CMR has not been supplied by the miller and for any other order/orders or relief/reliefs which the petitioner may found to be entitled in the facts and circumstances of the case.”

Re: Interlocutory Application No. 01 of 2023.

3. During the pendency of the writ petition, respondent no. 3- the District Cooperative Officer, Bettiah, West Champaran, has passed order dated 28.10.2023, so far it relates to the petitioner, contained in Memo No. 1498. The said order has been challenged by way of I.A. No. 01 of 2023.

4. Having considered the pleadings made in the interlocutory application filed on behalf of the petitioner for amendment of prayer in addition to the relief(s) sought for in paragraph no. 1 of the main writ petition is allowed.

Re: CWJC No. 14380 of 2023.

5. It is contended on behalf of the petitioner that the Cooperative Officer without having jurisdiction has exercised power under Section 41 of the Bihar Co-operative Societies Act,



1935. The order is not sustainable considering the fact that no opportunity of hearing was provided to the petitioner. The order dated 28.10.2023, so far it relates to the petitioner, contained in Memo No. 1498 being ex parte is fit to be set aside and quashed.

6. Mr. Shailendra Kumar Singh, learned counsel appearing on behalf of the B.S.F.C. informs this Court that he is formal party in the present writ petition, however, he gives information that the authority lies with the Registrar, Cooperative Societies.

7. Considering the relief(s) sought for in the present writ petition, as well as, the action of the District Cooperative Officer, West Champaran at Bettiah to be wholly without jurisdiction, the order dated 28.10.2023, so far it relates to the petitioner, contained in Memo No. 1498 is hereby set aside and quashed.

8. The Additional Chief Secretary, Cooperative Department, Government of Bihar, is directed to summon the Cooperative Officer concerned and take appropriate action if he finds that the Concerned Cooperative Officer vested with malafide has acted in passing the order dated 28.10.2023 as contained in 'Annexure-P/8' to the writ petition.



9. The petitioner, if so advised, may avail remedy before the appropriate authority for redressal of his grievance as prayed for in the present writ petition.

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

(Purnendu Singh, J)

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