

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14822 of 2023

1. Jitendra Kumar Son of Late Vasudeo Ram Resident of Village- Goddih, P.S. Kiul, District Lakhisarai, Presently Chairman of Maheshleta Primary Agriculture Credit Cooperative Society, District - Lakhisarai
2. Digam Kumar Son of Mahavir Prasad Singh Resident of village- Hasanpur, P.O. Mahisaura, P.S. Lakhisarai, District - Lakhisarai, Presently Chairman of Mahisaura Primary Agriculture Credit Cooperative Society, District- Lakhisarai.
3. Anant Kumar Son of Lakshmi Singh Resident of village- Nandnama, P.S. Ramgarh Chowk, District - Lakhisarai, Presently Chairman of Nandnama Primary Agriculture Credit Cooperative Society, District-Lakhisarai
4. Rajendra Prasad Kushwaha Son of Late Saryug Mahto Resident of Village- Gaura, P.O. Tarhari, P.S. Halsi, District - Lakhisarai, Presently Chairman of Dhanpura Primary Agriculture Credit Cooperative Society, District- Lakhisarai.
5. Banarsi Prasad Yadav Son of Late Sukkar Resident of Village- Bansipur, P.O. Pacham, P.S. Kiel, District - Lakhisarai, Presently Chairman of Khuttupar Primary Agriculture Credit Cooperative Society, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Cooperative, Government of Bihar, Patna..
3. The Registrar, Cooperative Societies, Bihar, Patna.
4. The Assistant Registrar, Cooperative Societies, Lakhisarai, District - Lakhisarai.
5. The District Cooperative Officer Lakhisarai, District Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Advocate
	:	Mr. Awnish Kumar, Advocate
For the State	:	Mr. Syed Iqbal Ahmad (SC-20)
	:	Mr. Mahtab Alam, AC to SC-20

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-09-2024 Heard Mr. S.B.K. Mangalam, learned counsel for the

petitioners and Mr. Mahtab Alam, learned AC to SC-20 for the

State.



2. The present writ petition has been preferred for the grant of following reliefs:-

(I) For a declaration that in view of the provisions contained under Section 32A(1) (n) of the Bihar Cooperative Societies Act, 1935, the Registrar, Cooperative Societies or the Assistant Registrar, Cooperative Societies does not have any authority to hear appeals against a decision of the Managing Committee of a Cooperative Society, rejecting the application of any person for his admission to the membership of the said Cooperative Society in view of the provisions contained under Sub- Rule-2 of Rule- 7 of the Bihar Cooperative Societies Rules, 1959.

(II) For a further declaration that since against the decision of Managing Committee of a Cooperative Society rejecting the application of any person for the membership of the Society has been vested in the Board of the Cooperative Society, all the orders passed by the Respondent no.4 on appeal being preferred against the decision of the Managing Committee of the



petitioner's society is thoroughly illegal and without jurisdiction and the membership of the petitioners' society granted to any person under the orders of Respondent no.4 is a nullity and ,therefore, cannot be sustained in law.

(III) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no.4 to produce on record the orders, if any, passed by him under Rule- 7(2) of the Bihar Cooperative Society Rules, 1959, granting membership of the petitioners' society to any individual whose application for membership was rejected by the Managing Committee of the petitioners' society and on production the same may be quashed by issuance of an appropriate writ in the nature of CERTIORARI on the ground that the Respondent no.4 does not have any power to sit in appeal over the decision of Managing Committee of the petitioners' society.

(IV) For issuance of any other appropriate writ/writs, order/ orders, direction/directions for



which the writ petitioners would be found entitled under the facts and circumstances of the case.

3. A counter affidavit has come on behalf of the respondent nos.1 to 4 and they have reasoned out for authorizing the Assistant Registrar, Cooperative Society showing the memo no. 8017 dated 21.09.2017 and 10124 dated 16.12.2022 both issued by the Registrar Cooperative Society.

4. Learned counsel for the petitioners submit that it will suffice if they are allowed an opportunity to present their case before the Principal Secretary, Cooperative Society, Bihar, Patna.

5. Granting such liberty and without making any comment on the merit of the case, the writ petition stands disposed of.

(Rajiv Roy, J)

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