

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.11 of 2024

In

Civil Writ Jurisdiction Case No.348 of 2023

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Gulten Sahani Son of Late Gagandev Sahani Resident of Village-Gaurigama,
P.S.-Runnisaidpur, District-Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar through Registrar, Co-operative Societies, Vikas Bhawan, Govt. of Bihar, Patna.
2. The District Co-operative Officer, Sitamarhi, District - Sitamarhi.
3. The Block Development Officer, Runnisaidpur, Block - Runnisaidpur, District - Sitamarhi.
4. The Block Co-operative Officer, Runnisaidpur, Block - Runnisaidpur, P.S. - Runnisaidpur, District - Sitamarhi.
5. The Runnisaidpur Fisheries Co-operative Officer through its Secretary, P.S. - Runnisaidpur, District - Sitamarhi.
6. Naresh Sahani Son of Ram Briksha Sahani Resident of Village- Gauri Gama, P.S.- Runnisaidpur, District - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Arvind Verma, Advocate Mr. Ramchandra Sahni, Advocate
For the Respondent/s	:	Mr. Ravi Bharadwaj, AC to GA-13 Mr. Bipin Kumar, Advocate Mr. Shashi Bhushan Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 12-05-2025

Heard Mr. Arvind Verma, the learned Advocate
for the appellant and Mr. Ravi Bharadwaj, the learned
counsel for the State. The respondent no.6 is represented



by Mr. Shashi Bhushan Singh.

Re: I.A No. 01 of 2024.

2. The learned Advocate for the appellant presses I.A. No. 01 of 2024 for condoning the delay of 41 days in preferring this appeal.

3. For the reasons stated in the application, the delay of 41 days in filing this appeal is condoned.

4. I.A. No. 01 of 2024 stands allowed.

Re: L.P.A No.11 of 2024.

5. The appellant has challenged the judgment dated 10.10.2023 passed by a learned Single Judge of this Court in CWJC No.348 of 2023.

6. The appellant had sought cancellation of the membership of respondent no.6 with the Runnnisaidpur Fisheries Co-operative Societies registered under the Bihar Cooperative Societies Act, 1935.

7. The contention of the appellant before the learned Single Judge was that respondent no.6 was taken on the rolls of Co-operative Society by an Administrator



and therefore such membership was questionable in view of the judgment of the Supreme Court in ***K. Shantharaj & Anr. vs. M.L. Nagaraja & Ors.; AIR 1997 SC 2925 .***

8. One Ramu Sahni had sought cancellation of the membership of respondent no. 6 which was allowed by the District Co-operative Officer, Sitamarhi. That order of cancellation of membership was quashed by the order of the Registrar Co-operative Societies on 26.08.2011.

9. Aforenoted Ramu Sahni challenged the order of the Registrar before this Court vide CWJC No.17161 of 2012 but the same was withdrawn for the writ petitioner therein to seek review of the order passed by the Registrar Co-operative Societies in Appeal Case No.142 of 2010.

10. The issue had been put to a quietus for a long time when a fresh writ petition was filed by the appellant.

11. The contention of respondent no.6 before the Single Judge was that the appellant/writ petitioner is none else but the brother of Ramu Sahni.



12. Mr. Verma, the learned Advocate for the appellant disputes the aforementioned facts.

13. Nonetheless, considering the fact that the order of cancellation of membership of respondent no.6 was set aside in the year 2011, whereafter the respondent no.6 continued to be the member of the Co-operative Society, this Court is of the view that such issue of membership of respondent no.6 cannot be raked up now.

14. We have found nothing perverse or worth interfering in the judgment impugned in the present petition.

15. The appeal has no merits and is thus dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Shiv/Sunil

AFR/NAFR	
CAV DATE	N/A
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