

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.627 of 2008

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Abdul Rabban Son of Late Tamizzuddin, Resident of Village Joudanga, P.s. paranpur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Collector, Katihar.
3. The District Cooperative Officer cum Certificate Officer, Katihar.
4. The Registrar, Cooperative Society, Bihar, Patna.
5. Lalganj Pacs Banking Seva, Branch Lalganj Pacs, District Katihar through its Secretary Lalganj, District Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Sr. Advocate Ms. Manini Jaiswal, Advocate Mr. Manas Rajdeep, Advocate Mr. Shubham Kumar Upadhyay, Advocate Ms. Megha Rani, Advocate Mr. Ritik Prakash, Advocate Ms. Adya Pandey, Advocate
For the Respondent/s	:	Mr. Sanjay Prasad, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

33 20-11-2025 Heard learned counsel for the parties concerned.

2. The petitioner has challenged the order dated 03.08.2007, passed in Case No. 126/01-02 by the District Cooperative Officer-cum-Certificate Officer, Katihar by which the original order dated 31.07.2001 passed by the District Cooperative Officer-cum-Certificate Officer, Katihar in Case No. 04 of 2001 has been reviewed on a petition filed by the petitioner for enforcement of the award



dated 31.07.2001 of Rs. 82,105.

3. Brief facts of the case is that the petitioner was the member of Lalganj Primary Agriculture Credit Society Ltd., Lalganj, which is a registered cooperative society and deals its business under Bihar Cooperative Society Act, 1935 and rules framed therein. The Lalganj PACS under the then Chairmanship, Akhtar Safi started banking business at the Branch Lalganj in the year 1997 within the framework of its own bye laws with a view to promote the scheme from among its members being one of the main purpose of the PACS. The petitioner deposited a sum of Rs. 50,000/- (Fifty Thousand only) in Lalganj Branch as fixed deposit for 12 months which was to mature on 29.04.1998 with the maturity value of Rs. 57,000/- for which a fixed deposit receipt no.2 was issued to the petitioner and photocopy for the same has been annexed at Annexure-1 of this writ application. On 29.04.1998, the petitioner went to the Lalganj PACS (Banking) Seva for the payment of matured value of Rs. 57000/-, but the same was not paid. In the circumstances, petitioner filed a case before the District Cooperative Officer-cum-Certificate Officer, Katihar having



award Case No. 04 of 2000 and the D.C.O. cum Certificate Officer, passed the award in favour of the petitioner directing the respondent PACS to pay a sum of Rs. 82,105/- along with the interest and cost of the award.

4. Mr. Sanjeev Kumar Mishra, learned Senior counsel appearing for the petitioner submits that the judgment/award debtor filed award Appeal No. 01 of 2001 before the Joint Registrar Cooperative Societies Koshi/Punia, Saharsa against the order of D.C.O Katihar dated 31.07.2001 in Award Case No. 04 of 2001 in which earlier the stay was granted and subsequently was vacated.

5. A Revision was also filed by the award debtor in Certificate Revision Case No. 234/02-03 before the Collector. Learned Collector, issued notice and granted stay but subsequently vacated the stay.

6. A review was also filed by the PACS Chairman bearing Miscellaneous Review No. 353 of 2004 before the Collector, Katihar. Subsequently, a writ petition was filed by the PACS Chairman bearing C.W.J.C. No. 11496 of 2003 against the order passed by the D.C.O. Katihar dated 31.07.2001, the writ petition was dismissed on 28.10.2005



and the L.P.A. bearing 1323 of 2005 was also dismissed on 10.11.2006. The S.L.P. preferred by the PACS Chairman bearing S.L.P. (Civil) No. 4180/07 was also dismissed on 16.03.2007. The petitioner thereafter vide an application on 24.05.2007 before D.C.O. cum Certificate Officer, Katihar for enforcement of the decretal amount from the PACS Chairman in question. However, D.C.O. cum Certificate Officer, Katihar vide order dated 03.08.2007 instead of enforcing the award/decreed went behind the decree vide order dated 31.07.2001 and the PACS Chairman was directed to pay 50,000/- + maturity interest Rs. 7000/- i.e. total Rs. 57,000/- to the petitioner.

7. Learned counsel for the State submits that Rs. 57,000/- has already been paid to the petitioner on 28.04.1998 under acknowledgment and a copy of the acknowledgment has been annexed at Annexure-A to the counter affidavit.

8. Learned counsel for the petitioner in reply to the argument made by the State counsel submits that a fake receipt has been prepared by Award debtor which has been annexed as Annexure-A to the counter affidavit. In the writ



application as well as in the rejoinder it is categorical stand of the petitioner that maturity amount has not been paid.

9. Considering the rival submissions of the parties and taking into account the dispute raised by the respondent that maturity amount of 57,000/- has already been paid to the petitioner in 1998 and denied by the petitioner, I disposed this writ application with liberty to the petitioner to challenge the Impugned order dated 03.08.2007 before the appropriate Appellate Authority under the Act.

10. Accordingly, with the aforesaid observation and direction, the present writ application stands disposed of.

(Anil Kumar Sinha, J)

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