

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4103 of 2026

1. Dargahiganj Primary Agriculture Credit Society through its Chairman namely Khagendra Kumar Yadav @ Khagendra Yadav, aged about 53 years, Gender-male, Son of Kalanand Yadav, Resident of Village- Ward No. 11, Dargahiganj, Police Station - Narpatganj, District- Araria.
2. Khagendra Kumar Yadav @ Khagendra Yadav, Son of Kalanand Yadav, Resident of Village- Ward No. 11, Dargahiganj, Police Station - Narpatganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Cooperative, Vikash Bhawan, New Secretariat, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The District Co-operative Officer, Araria.
5. The Block Cooperative Extension Officer, Araria.
6. The Bihar State election Authority, 32 Harding Road, Patna -I through its Secretary.
7. The Joint Secretary, Bihar State election Authority, 32 Harding Road, Patna-I.
8. Ashok Yadav, son of Ram Kishun Yadav, R/o Mohalla-Deviganj, ward no. 1, Police Station-Narpatganj, District-Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar
For the State	:	Mr. Manoj Kumar Ambastha, SC- 26
		Mr. Santosh Kumar Mishra, AC to SC- 26
For Respondent nos. 6 & 7	:	Mr. M.K. Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 31-03-2026 Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioners have filed the instant application for the following reliefs:



“1. i. For issuance of a writ in the nature of Certiorari for quashing Letter No. 344 dated 10.02.2026 issued under the signature of the Joint Secretary, Bihar State Election Authority, whereby Respondent No. 8 has been treated as a full-fledged member in place of a co-member and his name has been inserted at Sl. No. 259 in the voter list of Dargahiganj Primary Agriculture Credit Society (hereinafter referred to as "PACS").

ii. For issuance of a writ in the nature of Mandamus commanding and directing the respondent authorities to act in accordance with the report of the Committee constituted for examining the validity of the membership of Respondent No. 8 as a full-fledged member. The Committee, after examining the entire record, recommended that Respondent No. 8 is only a co-member.

iii. For issuance of a further direction restraining Respondent No.8 from participation in the ensuing election of the managing committee of the PACS as co-member can only be treated as voter moderately not fit to



be contested for any post of the managing committee interms of section 44 AQ (6) of the Bihar cooperative society Act, 1935.

And/or for issuance of such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

3. Having heard learned counsel for the parties and having perused the material on record, it transpires that the matter in issue relates to dispute with respect to the membership status of respondent no. 8.

4. Learned counsel for the Bihar State Election Authority (respondent nos. 6 and 7) raises a preliminary objection that the petitioners having an alternate and efficacious remedy of filing an appropriate application under section 48 of the Bihar Co-operative Societies Act, 1935 (in short ‘the Act of 1935’), the instant application is not maintainable. Reference is made to explanation under section 48 of the Act of 1935, which is quoted herein below for ready reference:

“48. Disputes.-

Explanation. - (1) The question whether a person is or was a member of a registered society or not shall be



a dispute within the meaning of this sub-section.

(2) The Registrar may on receipt of such reference -

(a) decide the dispute himself;

or

(b) transfer it for disposal to any person exercising the powers of a Registrar in this behalf; or

(c) subject to any rules refer it for disposal to an arbitrator or arbitrators.

(3) Subject to any rules, the Registrar may withdraw any reference transferred under clause (b) of sub-section (2) or referred under clause (c) of the said sub-section and deal with it in the manner provided in the said sub-section.

(4) The appointment of an arbitrator or arbitrators and the procedure to be followed in proceedings before the Registrar or such arbitrators shall be regulated by rule.

(5) In the case of dispute involving property which is given as collateral security, it shall be competent to the person deciding such dispute to issue mortgage award



which shall have the same force as a mortgage decree of a competent Civil Court.

(6) Any person aggrieved by any decision given in dispute transferred or referred under clause (b) or (c) of sub-section (2) may, within three months from the date of such decision, appeal to the Registrar.

(7) The Registrar, in the case of dispute under this section, shall have the power of review vested in a Civil Court under Section 144 and under Order XL VII, rule 1 of the Code of Civil Procedure, 1908, and shall also have the inherent jurisdiction specified in Section 151 of the said Code.

(8) The Registrar may where it appears to him advisable, either of application or of his own motion, state a case and refer it to the District Judge for decision, and the decision of the District Judge shall be final.

(9) Save as expressly provided in this section, a decision of the Registrar under this section, and subject to the orders of the Registrar on appeal or review, a decision given in a dispute transferred or referred



*under clause (b) or (c) of subsection
(2) shall be final.”*

5. Having gone through the relevant provisions of section 48 of the Act of 1935, quoted herein above, the Court finds substance in the objection raised by the respondents.

6. The writ application stands disposed of with liberty to the petitioners to raise all the issues raised in the instant application as also otherwise available to him before the appropriate authority by filing an application under section 48 of the Act of 1935.

7. The writ application stands disposed of.

(Partha Sarthy, J)

saauravkrsinha/-

U			
---	--	--	--

