IN THE HIGH COURT OF JHARKHAND, RANCHI
W.P. (C.) No. 1082 of 2011

Gurukul, Public Charitable Trust, registered under the Trust Act, 1882 having Registration No.1416 dated 04.11.2006 through its Regional Director Dr. (Smt.) Nitu Kumari, D/o Shri Yogesh Sinha, presently residing at Williams Town, PO and PS – Deoghar, District – Deoghar, Jharkhand

.... Petitioner

-- Versus --

1. The State of Jharkhand
2. The Registrar, Cooperative Societies, Government of Jharkhand, Ranchi, Project Bhawan, PO and PS – Dhurva, District – Ranchi, Jharkhand
3. The Deputy Commissioner, Deoghar, Court Compound, PO and PS – Deoghar, District-Deoghar
4. The Sub-Divisional Officer, Deoghar, Court Compound, PO and PS – Deoghar, District – Deoghar
5. Deoghar Co-operative Grain Bank Ltd. Deoghar, through its Manager-in-charge, Shri Ravinder Sharma, S/o Late Megha Sharma, resident of Williams Town, PO and PS – Deoghar, District – Deoghar
6. The District Co-operative Officer-cum-Administrator of Deoghar Co-operative Grain Bank Ltd. Grain Bank Compound, Kachhari Road, PO – Baidnath Deoghar, PS – Deoghar, District – Deoghar
7. Smt. Manju Bibhawari Husband's/Father's name is not known to the petitioner, at present posted as District Co-operative Officer-cum-Administrator of Deoghar Co-operative Grain Bank Limited

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Sudarshan Shrivastava, Advocate
For the State :- Mr. Krishna Kr. Bhatt, Advocate

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*10/**27.04.2026*** Heard learned counsel appearing for the petitioner and learned counsel appearing for the State.

2. Notice upon respondent Nos.5 and 7 have been issued pursuant to that Mr. Lakhan Chandra Roy, learned counsel has filed vakalatnama on behalf of respondent No.5.

3. Notice upon respondent No.7 has been validly served, however, she has chosen not to appear.

4. Respondent Nos.1, 2 and 6 have already filed the vakalatnama.

5. This petition has been filed under Article 226 of Constitution of India for quashing of the letter dated 04.02.20211 contained in Annexure-12 whereby it has been communicated to the petitioner that lease deeds/agreements have been cancelled with immediate effect on the alleged order as contained in Memo No.203 dated 03.02.2011.

6. Mr. Sudarshan Srivastava, learned counsel appearing for the petitioner submits that there is no dispute whatsoever between the petitioner and respondent No.5 and thus there is no occasion for interfering by Registrar of Co-operative Societies (respondent No.2). Moreover, the dispute, if any, between a tenant and landlord based on the lease agreement can be adjudicated by a court of law as per the provisions of Rent Control Act. He further submits that respondent No.6 though has taken charge as Administrator of Respondent No.5 on 04.02.2011 in the morning vide Memo No.01

dated 04.02.2011 and on the same day at 5:45 PM has issued the impugned office order as contained in Memo No.2 dated 04.02.2011 whereby it was ordered that the lease agreements issued by the respondent No.5 in favour of the petitioner are cancelled. He then submits that this memo of order is arbitrary and was passed in haste without issuing any notice and hearing the petitioner which is violation of principles of natural justice. On these grounds, he submits that the impugned order may kindly be quashed.

7. On query made by the Court, learned counsel appearing for the respondent Nos.1, 2 and 6 fairly submits that there is no averment with regard to hearing provided to the petitioner.

8. Considering that on the day the concerned respondents have taken charge in the morning of the same day and in the evening has passed the said order which clearly suggests that in the said order there is no reason provided. It is well settled that even if any ex-parte order is being passed taking away the rights, it requires to be a reasoned one and admittedly the petitioner has not been heard for passing of such order which are against the mandates of principles of natural justice. Accordingly, the impugned order dated 04.02.2011 contained in Annexure-12 is hereby quashed.

9. The matter is remitted back to the respondent No.6 and the petitioner is put at liberty to file afresh representation before respondent No.6, who will look into that and after providing proper

opportunity to all the stakeholders and will pass appropriate order in accordance with law.

10. In view of the above without entering into the merit of the case is being remitted as the petitioner was not heard while passing of the impugned order. This petition is allowed in above terms and disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated 27.04.2026
Sangam/