

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12941 of 2025

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Anish Patel Son of Laxman Singh Resident of Village Baruna, PO Manihari,
PS Bhabua, District Kaimur.

... .. 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, Kaimur at Bhabua.
5. The Block Cooperative Extension Officer, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Government Pleader (26)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 18-08-2025

Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed challenging the order contained in Memo No. 604 dated 26.04.2025 issued by the District Cooperative Officer, Kaimur at Bhabua, whereby and whereunder the Managing Committee of the Manihari Primary Agriculture Credit Society (PACS), Block-Bhabua, has been superseded without following due process of law and further prays for issuance of direction to act in terms of the law laid down in this Hon'ble Court passed in CWJC No. 15746 of 2022



with a further direction not to proceed with the impugned order.

3. Counsel for the petitioner further submits that the election to the Managing Committee of the PACS was held on 27.11.2024 and result was declared on 28.11.2024 in accordance with the notification issued by the Election Authority. He further submits that by virtue of the said election, 11 persons were elected as member of the Managing Committee and the petitioner was elected as a Chairman. He further submits that the petitioner is a shareholder of the PACS and is entitled to challenge the impugned order which undermines the democratic structure of the society.

4. Counsel further submits that after the general election of the Managing Committee of the PACS, seven elected members submitted their resignation which resulting into a serious impediment to the functioning of the PACs, thereby rendering the society practically non-functional. He further submits that the Managing Committee is the competent authority to accept or reject the resignation of its members. But the aforesaid 7 members did not submit their resignation before the competent authority and in gross violation of the law laid down in CWJC No.15746 of 2022.



5. Counsel further submits that the report has been called for on the basis of the Cooperative Extension Officer, who has neither conducted the enquiry at the level of Managing Committee nor did he provide any opportunity of hearing to either the so-called resigned members or the remaining members including the Chairman. A report was submitted to the District Cooperative Officer and on the basis of ex-parte report, the elected members have been superseded and administrator has been appointed.

6. Counsel further submits that it is a unique position where the elected members of the body have been stopped from conducting the democratic process and therefore, he seeks interference of this Hon'ble Court.

7. Counsel fairly submits at the time of argument that under section 56 of the Bihar Cooperative Societies Act, 1935, (hereinafter referred as 'the Act of 1935') the power of revision has been available to the Registrar, but since matter was so urgent that he has moved directly before this Hon'ble Court.

8. Counsel for the State submits that there is a time prescribed for 6 months challenging the order before the revision under the revisional power and the Registrar shall have no power to revise any order against which appeal has been



provided under the provision of this Act.

9. After hearing the parties, it transpires to this Court that under section 41(5) of the Act of 1935, empowers the Registrar to dissolve the Managing Committee of a registered society. In case, where majority of the members and elected office-bearers of the Managing Committee of a registered society resign from their respective membership or office and shall appoint Administrator for the better management of the registered society.

10. But it transpires that the decision taken under section 41(5) of the Act of 1935, is not appealable rather appealable order is under section 41(1) and 41(2) of the Act of 1935. In this view of the matter, the order of appointing the Administrator is revisionable order in opinion of the Court. As such, the present writ petition is hereby disposed off, granting liberty to the petitioner to file a revision case before the Registrar under section 56 of the Act of 1935 within 30 days from today and the Registrar after hearing all the parties, shall take a decision within 3 months.

11. In the meantime, the order impugned *i.e.*, contained in Memo No.604 dated 26.04.2025 shall be kept in abeyance.



12. With the aforesaid directions and observations, the present writ application stands allowed.

(Dr. Anshuman, J.)

Prakashmani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.08.2025
Transmission Date	N/A

