

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13352 of 2025

1. Deshbandhu Kumar Son of Raja Sah, Resident of Ward No. 13, Dakshini Bahorabad Cherakhera, Police Station- Alauli, District- Khagaria.
2. Ashutosh Kumar, Son of Nanda Sada, Resident of Ward No. 11, Cherakhera, Police Station- Alauli, District- Khagaria.
3. Priti Devi, Wife of Mukesh Kevat, Resident of Ward No. 13, Dakshini Bahoraba, Cherakhera, Police Station- Alauli, District- Khagaria.
4. Deepak Kumar, Son of Utam Chandra Mahto, Resident of Village- Bahorba, Police Station- Alauli, District- Khagaria.
5. Rupam Devi, Wife of Chandan Sharma, Resident of Ward No. 13, Dakshin Bahoraba Cherakhera, Police Station- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Co-operative, Government of Bihar, Patna.
2. The Registrar, Co-operative Societies, Department of Co-operative, Govt. of Bihar, Patna.
3. The District Co-operative Officer, Khagaria.
4. The Block Co-operative Extension Officer, Alauli District- Khagaria.
5. Rajmani Kevat, Son of not known, Chairman, Primary Agricultural Credit Society Ltd. Cherakhera, Village- Cherakhera, P.O. Cherakhera, Police Station- Alauli, District- Khagaria, PIN- 848203.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Sinha, Advocate
For the Respondent/s : Mr. Vivek Prasad, Government Pleader (07)
Mrs. Manisha Singh, AC to GP-7
For Respondent No.5 : Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 21-08-2025

Heard learned Senior Counsel for the petitioners
and learned Counsel for the State.

2. The present writ petition has been filed by the
petitioners for quashing the order dated 08.07.2025 issued vide
Memo No.86ML dated 22.07.2025, passed in Appeal No.20 of



2025 by the Minister, Department of Cooperative, Bihar, Patna, by which the Minister has interfered in the order dated 25.06.2025 contained in Memo No.1344 and stayed the order of the respondent District Co-operative Officer, Khagaria.

3. Learned Counsel for the petitioner submits that by the said memo order has been passed in Appeal No.20 of 2025 against the order dated 25.06.2025 contained in Memo No.1344 (Annexure-P/8). Counsel submits that the said order has been passed by the District Co-operative Officer, Khagaria, under Section 41(5) of the Bihar Co-operative Societies Act, 1935 (hereinafter referred to as 'the Act'), against which there is no provision of filing appeal and, therefore, entertaining the appeal is bad-in-law.

4. Learned Counsel for respondent No.5 and learned Counsel for the State, on the other hand, opposes the prayer of the writ petitioners and raised two objections. Firstly, that petitioners have no *locus standi* to sue by way of filing the writ petition and secondly that the order has been passed under Section 41(2) of the Act, which is contained in Memo No.1344 dated 25.06.2025 (Annexure-8) and since the order has been passed under Section 41(2), therefore, it is appealable according to Section 41(6) before the State Government and according to



the norms, State Government is the Minister, Department of Cooperative, Bihar, who has entertained the appeal and passed the order. He further submits that the said order is basically the first order in which admission has been made and further date has been fixed, therefore, he submits that there is absolutely no need to any interference in the said order.

5. After hearing the parties, it transpires to this Court that only one question is involved in this case that whether the order which is Annexure-P/8 contained in Memo No.1344 dated 25.06.2025, is an order passed under Section 41(2) or order passed under Section 41(5) of the Bihar Co-operative Societies Act, 1935.

6. With a view to adjudicate, it is necessary to quote those provisions of the Act i.e., Sections 41(2), 41(5) and 41(6) of the Bihar Co-operative Societies Act, 1935, which states as follows:

“41(2) Where the Registrar while proceeding to take action under subsection (1) is of opinion that suspension of the Board is necessary in the interest of the Registered Society, he may suspend the Board which shall thereupon cease to function and make such arrangement as he thinks proper for the management of the



affairs of the Registered Society till the proceedings under sub-section (1) are completed;

Provided that if the Board so suspended is not superseded it shall be reinstated after six months and the period during which it has remained suspended shall count towards its term.

(5) The Registrar may dissolve the Managing Committee of a registered society in case where-

(a) majority of the members and elected office-bearers of the Managing Committee of a registered society resign from their respective membership or office; or

(b) half the total number of seats of the Managing Committee of a registered society, becomes vacant for any reason whatsoever;

and shall appoint Administrator for the better management of the registered society:

Provided that if during the period of dissolution of the Managing Committee, the Registrar is satisfied that the affairs of a registered society have sufficiently improved and it is desirable to restore the management to a newly elected Managing Committee, he may by order



direct that the Administrator shall take steps for the constitution of a new Managing Committee and on such Committee having been constituted in accordance with the provision of this Act and the Rules, the Administrator shall hand over the management to such newly constituted Managing Committee forthwith.

(6) An appeal shall lie from an order of the Registrar under sub-section (1) [Ins. by (Amdt.) Act 10 of 2002] & sub-section (2) to the State Government on application made by any member of the Managing Committee within [subs. by ibid.}] one month from the date of communication of the order to the registered society concerned. The order of the State Government on appeal, and subject to the result of such appeal, if any, the order of the Registrar shall be final.”

7. It transpires to this Court that the proviso of Section 41(2) indicates that Board so suspended is not superseded, it shall be reinstated after six months and the period during which it has remained suspended shall count towards its term. In the order sheet, this term has specifically been inserted, which is indicative that order has been passed under Section 41(2) of the Act and under Section 41(6) this order is appealable



before the State and according to the Law Minister is the competent person to entertain appeal. Annexure-1 has been passed by the Minister. Therefore, this Court is of the view that it has rightly been entertained by the Minister and the order passed by the Minister (Annexure-1) is nothing but the first order in which appeal has been admitted and it amounts to an interlocutory order not final. Therefore, this Court is not inclined to interfere in this matter and, accordingly, this writ petition is dismissed.

8. It is directed that appeal shall be decided within 60 days from the date of completion of appearance.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2025
Transmission Date	

