
(2001) 12 PAT CK 0032
In the Patna High Court
Case No : CWJC No. 14266 of 2001

Bhola Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 05-12-2001

Acts Referred:

Bihar Agricultural Produce Markets Act, 1960 — Section 13, 9(5)

Citation : (2002) 3 PLJR 168

Hon'ble Judges : S.K. Katriar, J

Bench : Single Bench

Advocate : Bishnu Kant Dubey, for the Appellant; J.D. Singh, for the state and B.K. Singh Chouhan and Binod Kumar Singh for Respondent Nos. 4 to 9, for the Respondent

Final Decision : Dismissed

Judgement

S.K. Katriar, J.—Heard learned Counsel for the Petitioner, learned GP II for Respondent Nos. 1 to 3, and learned Counsel for Respondent Nos. 4 to 9.

2. This writ petition is directed against (sic)e Government notification No. 2524, dt. (sic).7.2001 (Annexure 1), issued by the Apartment of Agriculture, Govt. of Bihar, hereby the Agricultural Produce Market committee, Natwar, has been superseded with effect from 2.4.2001, and the duties (sic)d functions of the Committee have been (sic)ested in the Sub Divisional Officer till such me the election of the Committee takes face in accordance with law. The Petitioner was the Vice-Chairman of the quon-(sic)m Committee. He makes a grievance before this Court that the notification has (sic)ut short his tenure and, therefore, the impugned notification is bad in law.

3. Learned Counsel for Respondents have submitted that the Committee has allready completed its statutory period and, therefore, the notification is valid and in accordance with law. The contention of the Petitioner is tantamount to saying that the (sic)ce Chairman can have a longer tenure can that of the

Committee.

4. Having considered the submissions, (sic)n of the view that this is a frivolous and (sic)dless writ petition. Election to the committee had taken place in 1997 in terms of Section 9(5) of the Bihar Agricultural Produce Market Act, 1960 (hereinafter referred as the Act") and the requisite gazette notification in terms of Section 13 notifying section of the Committee was published 01.10.1997. The same included the members of the Committee including the names the Petitioner herein as a Committee member and the Chairman and the Secretary of the Committee. It is manifest from a plain reading of Section 13 of the Act that the Committee starts functioning from the date of publication of the gazette notification which, as stated above, had taken place on 1.10.97. The provision for the tenure of the Committee is to be found in Section 9(5) of the Act, and will be three years from the date of publication of their names u/s 13 of the Act. In that view of the matter, the statutory term of the Committee expired on the last date of September, 2000. It appears that there was some delay in the election/ nomination of the Vice Chairman in the present case. Law is well settled that in case of such elected bodies, an office bearer cannot have a term longer than the elected body itself. The Petitioner's name was included in the Committee which was published in the gazette notification on 1.10.1997. The conclusion, therefore, is that the Petitioner served in the Committee for a period of three years.

5. The writ petition is, therefore, dismissed.