

(2020) 09 PAT CK 0316

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 13376, 15917, 16702 Of 2010

Hayaghat Vikash Prakhand Matsyajvii Swablambi Sahkari
Samitiu Ltd And Ors

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 24-09-2020

Acts Referred:

Citation : (2020) 09 PAT CK 0316

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : M.Chatterjee, Ram Nibash Prasad, P.N.Shahi, Khurshid Alam,
Dineshwar Prasad Singh, Nityanand

Final Decision : Disposed Of

Judgement

On 22.09.2020, we had passed the following order:-

â??On 26.08.2020, we had passed the following order:

â??On the request of Shri Patanjali Rishi, Assistant Counsel to learned A.A.G. 6,
matters are adjourned by two weeks clarifying that no further

adjournment shall be granted. List on 10.9.2020.â??

Today, despite repeated calls, none has entered appearance on behalf of the
petitioner.

Contending that the matter in issue is squarely covered, Shri Pushkar Narayan
Shahi, learned senior counsel, appearing for the respondent, invites our

attention to a Constitution Bench decision by Honâ??ble Apex Court rendered in
(1985) 2 SCC 670, titled as Daman Singh & Ors. Vs. State of

Punjab & Ors. Indulgentlly, for the reasons that despite repeated calls, none has
entered appearance on behalf of the petitioners today, we adjourn the

matters.

List on 24.09.2020.â??

We are informed by the Court Master that the link for hearing of these petitions was sent to all the learned counsel. We notice that in one such matter

i.e. C.W.J.C. No. 15169 of 2010 titled as Bihar Rajya Matsyajeevi Sahkari Sangh Limited Vs. The State of Bihar & Ors., Shri Arvind Kumar

Tewary, Advocate entered appearance and prayed for withdrawal of the writ petition on the ground of it having become infructuous. The same was

disposed off accordingly. In the other three connected matters i.e. C.W.J.C. No. 13376 of 2010 titled as Hayaghat Vikash Prakhand Matsyajivi

Swablambi Sahkari Samiti Ltd. & Ors. Vs. The State of Bihar, C.W.J.C. No. 15917 of 2010 titled as Hanuman Nagar Block Fishermen Self

Supporting Co-operative Society Ltd. & Anr. Vs. The State of Bihar & Anr. and C.W.J.C. No. 16702 of 2010 titled as Phulparas Block Fishermen

Co-operative Society Ltd. Vs. The State of Bihar & Ors. none has entered appearance.

Shri P.N. Shahi reiterates his submissions, further inviting our attention to the few more decisions rendered by the Honâ??ble Apex Court in Daman

Singh & Others vs. State of Punjab & Others; (1985) 2 SCC 67,0 Sumangalam COOP. Housing Society Ltd. vs. Suo Motu High Court of Gujarat &

Others.; (2007) 2 SCC 301 and Zoroastrian Cooperative Housing Society Ltd. and Another vs. District Registrar, Cooperative Societies (Urban) and

Others; (2005) 5 SCC 632, pointing out that the issue in question is no longer res integra as squarely settled by Honâ??ble the Apex Court in these decisions.

Legislation impugned in these provisions reads as under:-

â??2. Amendment of Section- 11 of the Bihar Act, 2, 1997- The following proviso shall be added after sub-section (4) of Section 11 of the said Act, 1997:-

â??Provided that notwithstanding anything contrary contained in Bihar Act 2 of 1997, or in any other Act including Bihar Co- operative Societies Act,

2 of 1935 or rules framed there under or bye-laws of a Co- operative Society or class of Co-operative Societies or any order issued by the State

Government or Registrar of Co-operative Societies, any Fishermen Co-operative Society at Block Level registered under Bihar Act 2 of 1997, shall

with effect from the appointed day, stand reorganized as one society and shall be deemed to be registered under Bihar Act VI of 1935.â??

Accepting the statement made on behalf of the State, we close these proceedings reserving liberty to the petitioners to take recourse to such remedies as are otherwise available in accordance with law, including filing a fresh petition on the same and subsequent cause of action, if so required and desired.

Petitions stand disposed of in the aforesaid terms. Interlocutory application(s), if any, shall stand disposed of.