

(2019) 11 PAT CK 0145

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 13054 Of 2019

Shashiraj Kumar

APPELLANT

Vs

State Of Bihar Through The Principal Secretary And Ors

RESPONDENT

Date of Decision : 26-11-2019

Acts Referred:

Bihar Cooperative Societies Act, 1935 — Section 40

Citation : (2019) 11 PAT CK 0145

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Sanjay Kumar, Ravi Bhardwaj

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned AC to GA 13 for the State.

2. The petitioner has moved the Court for the following reliefs:

"That this is an application for issuance of a writ in the nature of certiorari for quashing the letter contained in memo no. 3788 dated 26.04.2019 issued under signature of Special Officer (Consumer), Cooperative Societies, Bihar, Patna addressed to the District Cooperative Officer, Nalanda whereby and whereunder a direction has been issued to institute an F.I.R. (First Information Report) against the petitioner and thereafter the District Audit Officer was also directed to submit a proposal for initiating surcharge proceeding u/s 40 of the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as the 'Act') and further the petitioner prays for issuance for consequential writ in the nature of mandamus commanding and directing the respondents authorities not to give effect of the aforesaid impugned order as mentioned above and/or for issuance of such other order/orders, direction/directions to which the petitioner may be found legally entitled to in the facts and circumstances of the case as stated hereinafter."

3. Today, learned counsel for the petitioner has also filed a supplementary affidavit.

4. The petitioner was aggrieved by the direction to lodge FIR and for starting of surcharge proceeding against him.

5. It was pointed out by learned counsel for the petitioner that the FIR which has already been lodged, the petitioner would be contesting the same, in accordance with law, before the appropriate forum. However, he submitted that subsequently in the surcharge proceeding, he has been exonerated. Thus, it was submitted that since the writ petition was mainly directed against initiation of surcharge proceeding, which now has been dropped, the writ petition be disposed off.

6. In view of the aforesaid stand taken by learned counsel for the petitioner, the writ petition stands disposed off.