

(2021) 06 PAT CK 0072

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 10527 Of 2020

Sunita Devi

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 21-06-2021

Acts Referred:

Bihar Protection Of Interest Of Depositors (In financial Establishment) Act, 2002 —
Section 5, 6, 7(1), 8

Citation : (2021) 06 PAT CK 0072

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

Bench : Division Bench

Advocate : Maheshwar Prasad, Amit Prakash

Final Decision : Disposed Of

Judgement

Heard the parties.

Petitioners have prayed for following relief(s):-

â??(i) For issuance of a writ of mandamus, or any other appropriate writ/writs or order/orders or direction/directions on commanding the State

authorities respondents/board of directors to refund the maturity amount, which was deposited in account of Navjeevan Thrift and Credit Self

Supporting Co-operative Ltd, registered under Bihar self supporting Co-operative Society Act 1996 under Bihar Co-operative Society Act 2-1997 vide

registration No. BR/00/00/00/oth/02/2016.

(ii) That to issue direction to the State respondents including the State Police to take up investigation of the criminality of the matter in accordance with

law under the supervision of the Hon'ble court and take all action including arrest of the Board of Directors of the respondent- no. 11 to

19.

(iii) To issue direction to compensate the loss and damage suffered by countless deposit including the petitioner for the act, action and

omission allowed to be committed by the said Navjeevan Thrift and Credit Self Supporting Co-operative Society Act to mobilize the huge public

deposit by defrauding the depositors by sudden closure of the business and activity of the said society.

(iv) To issue direction that the appointment of special officer/Administration on the affairs so prospective of the said society and to appoint Chartered

Accountant to make evaluation of all such properties held in name of each board of directors, derived from the said deposit held in

the name of any others under Section-5, 6, 7(1) & 8 of the Bihar Protection of interest of Depositors (In financial Establishment) Act 2002.

After the matter was heard for some time, learned counsel for the petitioners, under instructions, state that petitioners shall be content if a direction is

issued to the authority concerned to consider and decide the representation which the petitioners shall be filing within a period of four weeks from

today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and

dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioners shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the

grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months

from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the

parties;

(d) Equally, liberty is reserved to the petitioners to take recourse to such

alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the

same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually

agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.