

Serial No. 28
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 272 of 2021

Date of Decision: 23.06.2023

Smti. Babyslita Suchiang Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. O.A.I. Bang, Adv.

For the Respondent(s) : Ms. S.Bhattacharjee, GA(For R 1&3)
Dr. N. Mozika, DSGI with
Ms. S. Rumthao, Adv. (For R 2,4&5)

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER (ORAL)

1. This writ application has been filed with the prayer to issue directions to respondent No. 5 to allow the writ petitioner to make deposits continuously and also against respondent No. 3 (Director of Small savings,

Government of Meghalaya) to renew the license of the petitioner for 3 years, as per the rules contained in the Scheme known as “Mahila Pradhan Khestriya Bachat Yojna” Rules which is annexed at Annexure – I of the writ petition.

2. The petitioner who is stated to be an agent under the Scheme mentioned above, has been the holder of a license issued by the competent authority since the year 2009. However, it appears that due to certain events that transpired with regard to the deposit of the amounts, a notice was issued on 06.04.2021 (Annexure – II to the affidavit of the respondent No. 3), for cancellation of the petitioner’s license on the basis of a preliminary inquiry, where allegations of illegal withdrawal of money was established. The writ petitioner was also directed to show-cause to the said notice of cancellation, which was duly replied vide letter dated 15.04.2021. Subsequently, it appears by the letter dated 20.09.2021 by the respondent No. 3 (Annexure – VI), the license of the petitioner was renewed provisionally only upto 15.10.2021. Being aggrieved by the non-renewal of her license and also the non-acceptance of the deposits from her clients, the petitioner is before this Court.

3. I have heard learned counsels for the parties.

4. Ms. O.A.I. Bang, learned counsel who is newly appointed counsel on behalf of the writ petitioner, has drawn the attention of this Court to the additional affidavit filed on behalf of the writ petitioner on

27.03.2023, showing the factum of withdrawal of an FIR, wherein allegations has been made about illegal withdrawal of money from the account of one of the depositors. She submits that the petitioner has been put to great harassment, inasmuch as, she has been all along since the inception of her agency worked in a bona fide manner. She therefore prays that the respondents be directed to renew the license of the writ petitioner, to enable her to function as an agent under the Mahila Pradhan Khestriya Bachat Yojna” Scheme.

5. Ms. S. Bhattacharjee, learned GA for the State respondents No. 1 and 3, submits that at this stage, no further submissions are necessary, but only the fact that the proceedings that had been entered into earlier were on the basis of the serious allegations that have been made against the writ petitioner, inasmuch as, she was handling the money of small depositors, who expected genuine returns.

6. Dr. N. Mozika, learned DSGI assisted by Ms. S. Rumthao, learned counsel for the respondents No. 2, 4 and 5 also concurs to the submissions made by the learned GA, and submits that in the event of any consideration being given for renewal, the antecedents of the writ petitioner have to be examined afresh, as well as to her manner of functioning.

7. Having heard the learned counsels for the parties and after examining the materials as placed on record, this Court notes the fact that,

the initial cause of action, which warranted the proceedings against the petitioner do not exist as on today, though the withdrawal of the FIR was occasioned by a mutual compromise between the complainant and the writ petitioner. In this backdrop, nothing remains for consideration.

8. However, in the interest of justice, therefore it is directed that the respondent No. 3, on an appropriate application being made under the scheme by the writ petitioner for renewal, shall consider the same within a period of 2(two) months from the date of such application.

9. As submitted by the learned counsel for the respondents, it is important also not to lose sight of the fact that, at the time of consideration, the respondents shall consider all aspects of the matter, especially as to the conduct and manner in which the writ petitioner had managed her agency on earlier occasions.

10. With the above noted directions, matter stands closed and disposed of.

Judge

Meghalaya
23.06.2023
"D.Thabab-PS"