

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8354 of 2012

Syed Mahmood Ashraf Son of Syed Ghayasuddin Resident of Village-Baz
Bairia P.S. Baisi, Distirct-Purnia

.... Petitioner

Versus

1. The Deputy General Manager (Non Agriculture & Industrial), Bihar Co-Operative Bank Ltd. Ashok Raj Path, Patna
2. The Managing Director cum Certificate Officer, the Purnea District Central Co-Operative Bank Ltd. Head Office at Court Compound, Purnea
3. The Branch Manager of Amour Branch of Purnia Central Co-Operative Bank Ltd., District-Purnia

.... Respondents

Appearance :

For the Petitioner : Mr. MD. HELAL AHMAD, ADV

For the Resp. 2 & 3 : Mr. RAKESH KUMAR JHA, ADV

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-05-2016

Heard learned counsel for the petitioner and learned counsel
for the respondent bank.

2. The present writ petition has been filed for quashing the
order vide letter no. 371 dated 16.06.2010 passed by the Managing Director,
Purnea District Central Co-operative Bank Limited, Purnea (Respondent No.
2) by which an amount of Rs. 17,04,510/- recovered from the petitioner has
been refused to be refunded to the petitioner.

3. At the very outset, a preliminary objection has been raised on
behalf of the respondents to the effect that a statutory remedy in terms of
Section 48 of the Bihar Co-operative Societies Act, 1935 is available to the

petitioner who is entitled to raise the dispute in the Court of Registrar, Co-operative Societies, Bihar.

4. In that view of the matter, this Court is not inclined to enter into the merits of the claim of the petitioner. The writ petition is accordingly disposed with liberty to the petitioner to seek remedy before the appropriate forum in accordance with law for redressal of his grievances. Having regard to the fact that the payment in question has already been realised from the petitioner, the legality of which itself is in dispute, it is directed that if any such dispute is raised by the petitioner before the concerned authority, the same shall be disposed of expeditiously and preferably within a period of six months from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	17.05.2016
Transmission Date	