

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7992 of 2006

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Sunaina Devi, wife of late Banti Mahto, resident of Mohalla – Shanti Nagar,
PS – Bettiah, District – West Champaran

.... Petitioner/s

Versus

- 1 Bihar State Marketing Co-operative Union Ltd through its Managing Director, Patna
- 2 The Managing Director, Bihar State Marketing Co-operative Union Ltd, Patna
- 3 The Finance Controller, Bihar State Marketing Co-operative Union Ltd, Patna
- 4 The Special Officer (Damage), Bihar State Marketing Co-operative Union Ltd, Patna
- 5 The Sr Range Officer, Bihar State Marketing Co-operative Union Ltd, Muzaffarpur
- 6 The Range Officer, Bihar State Marketing Co-operative Union Ltd, Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Shekhar Singh, Advocate

For the Respondent/s : Mr Rakesh Kumar Jha, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

13 20-03-2018

Heard learned counsel for the petitioner and the learned counsel for the respondents.

The admitted position, as appears in Court today, is that the husband of the petitioner was saddled with recoveries without being faced with the charges or without initiating proceedings in accordance with law. However, an objection has been raised by the counsel for the respondent-BISCOMAUN that the instant writ petition is not maintainable as the petitioner must take recourse to the remedy provided under the Multi-State



Cooperative Societies Act. Submission is also made by the counsel for the BISCOMAUN that the petitioner has adequate remedy before the Board and in view of the fact that the petitioner's representation is still pending along with any supplementary representation which the petitioner may choose to file, Board of the Cooperative Society would consider the same. This Court, therefore, does not consider it appropriate to exercise jurisdiction under Article 226 of the Constitution of India and leaves it open for the respondent-Board to take a decision. The petitioner would be at liberty to avail all other statutory/legal remedies.

With the aforesaid observation, the writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

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