

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19988 of 2014

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Mithilesh Chaudhary, son of Late Harisana Chaudhary, resident of Chandrasenpur
P.S.- Rahika District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Chief Election Commissioner, Harding Road, Patna.
4. The District Magistrate, Madhubani.
5. The S.P. Madhubani.
6. The S.D.M., Madhubani.
7. The B.D.O. Rahika, District- Madhubani.
8. The Anchal Adhikari, Rahika, District-. Madhubani.
9. The Officer Incharge Rahika Madhubani.
10. Devendra Choudhary son of Late Kamla Kant choudhary r/o at present resident of Pax Committee Satlakha Panchayat, P.S.- Rahika, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate
For the State : Mr. Aditya Nath Jha, A.C. to S.C.-18
For the Respondent No.3 : Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-04-2018

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

2. This application has been filed by the petitioner for directing the respondent nos. 2 to 9 to conduct an enquiry for misappropriation of public fund caused by respondent no. 10 and to take suitable action against him.

3. Learned counsel for the petitioner Mr. Soban Asghar submitted that the respondent no. 10 is the Chairman of Satlakha



Primary Agriculture Credit Co-operative Society. He has committed several irregularities in transacting the business of the Co-operative Society and also misappropriated public fund. In this regard representations were made before the local authorities as well as the State Election Commission but no action has been taken so far. On query, learned counsel for the petitioner submitted that the petitioner is a public spirited person. He works for social upliftment of the society. He has no personal interest in the matter and the writ petition has been filed in public interest. He submitted that a complaint was also made to the State Election Commission but it has also failed to take any action against respondent no.10 for removing him from the post of Chairman of the Satlakha Primary Agriculture Credit Co-operative Society.

4. On the other hand Mr. Aditya Nath Jha, Assistant Counsel to Standing Counsel No.18 submitted that this writ petition has been filed by the petitioner due to private interest on account of political rivalry or other oblique motive. He submitted that vexatious writ petition under the colour of public interest has been brought before the court for vindicating personal grievance. Thus, the same deserves to be rejected at the threshold.

5. I have heard learned counsel for the parties and perused



the record.

6. From the pleadings of the petitioner it would be manifest that he wants an investigation into the allegation of misuse of public fund committed by the respondent no.10. In case the petitioner is in know of such abuse or misuse of public fund or defalcation of amount belonging to the Co-operative Society, he ought to have approached the local police in order to institute a report under Section 154(1) of the Cr.P.C. In case the S.H.O. of the Police Station would have failed to register first information report even after receipt of information regarding a cognizable offence, the petitioner would have submitted a report in this regard in writing by registered post to the Superintendent of Police under Sub Section (3) of Section 154 of the Cr.P.C. and even then if no first information report would have been registered, he could have filed a complaint before the court under Section 200 of the Cr.P.C.

7. So far as the removal of respondent no 10 from the post of Chairman of Satlakha Primary Agriculture Credit Co-operative Society is concerned, the same cannot be made on mere asking of the petitioner on vague, wild, reckless and besmirching allegation. Though the petitioner claims himself to be a public spirited person, the credence of the petitioner is not known. Even from the pleadings



of the petitioner, it would appear that there is no gravity and seriousness involved in the matter.

8. The writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.04.2018
Transmission Date	

