

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13054 of 2019

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Shashiraj Kumar, aged about 31 years, Gender Male, Son of Dharmendra Prasad, Resident of Village- Saidalli, Police Station- Rahui, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Co-operative, Government of Bihar, Patna.
2. The Principal Secretary, Department of Co-operative, Government of Bihar, Patna.
3. The Registrar, Cooperative Societies, Bihar, Patna.
4. The Special Officer (Consumer), Cooperative Societies, Bihar, Patna.
5. The District Co-operative Officer, Nalanda at Biharsharif.
6. The District Adult Officer, Cooperative Societies, Nalanda at Biharsharif.
7. Santosh Kumar, Aged about 40 years, Son of Kishori Prasad, Resident of Village- Saidalli, Police Station- Rahui, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Ravi Bhardwaj, AC to GA 13

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 26-11-2019

Heard learned counsel for the petitioner and learned AC to GA 13 for the State.

2. The petitioner has moved the Court for the following reliefs:

“That this is an application for issuance of a writ in the nature of certiorari for quashing the letter contained in memo no. 3788 dated 26.04.2019 issued under signature of



Special Officer (Consumer), Cooperative Societies, Bihar, Patna addressed to the District Cooperative Officer, Nalanda whereby and whereunder a direction has been issued to institute an F.I.R. (First Information Report) against the petitioner and thereafter the District Audit Officer was also directed to submit a proposal for initiating surcharge proceeding u/s 40 of the Bihar Cooperative Societies Act, 1935 (hereinafter referred to as the 'Act') and further the petitioner prays for issuance for consequential writ in the nature of mandamus commanding and directing the respondents authorities not to give effect of the aforesaid impugned order as mentioned above and/or for issuance of such other order/orders, direction/directions to which the petitioner may be found legally entitled to in the facts and circumstances of the case as stated hereinafter."

3. Today, learned counsel for the petitioner has also filed a supplementary affidavit.

4. The petitioner was aggrieved by the direction to lodge FIR and for starting of surcharge proceeding against him.

5. It was pointed out by learned counsel for the petitioner that the FIR which has already been lodged, the petitioner would be contesting the same, in accordance with law, before the appropriate forum. However, he submitted that subsequently in the surcharge proceeding, he has been exonerated. Thus, it was submitted that since the writ petition was mainly directed against initiation of surcharge proceeding, which now has been dropped, the writ petition be disposed off.



6. In view of the aforesaid stand taken by learned
counsel for the petitioner, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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