

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2715 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

Neelam Devi, Wife of Harendra Prasad, Resident of village- Sugauli Bazar,
P.S.- Sugauli, District- East Champaran.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Principal Secretary , Rural Development Department, Government of Bihar, Patna.
3. District Officer, Motihari, District – East Champaran.
4. District Development Commissioner, Motihari, District – East Champaran.
5. Block Development Officer, Motihari, Distt- East Champaran.
6. Executive Officer, Nagar Panchayat Sugauli, Motihari, District- East Champaran.
7. Inspector General of Registration, Government of Bihar, Patna
8. Mr. Uma Shankar Prasad, Son of Late Mathura Sah, President, Krishak Vikas Samiti, Motihari, Resident of Village- Bishunpurva Ward No. 2, P.S.- Sugauli, Motihari (East Champaran).

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Advocate
For the Respondent/s : Mr.Vikash Kumar, SC-II.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner in the present case is seeking following
directions:-

“(i) For issuance of a Writ in the nature of mandamus
directing to the respondents authority to initiate independent en-
quiry against the respondents so concerned in respect of misap-
propriation of Public Money belonging to Account No. 3699 in
Champaran Regional Gramin Bank, Motihari and Pass Book



No. 2317 in North Bihar Gramin Bank, Motihari on different dates from Krishak Vikas Swaym Sahayata Nigam, East Champaran and Samudayik Vikas Samiti Sugauli, Motihari, who has misappropriated the public money in the name of N.G.O. but it could not be done and the proper fund provided by the State Government has misappropriated and used personally against the norms and procedure established by law needs proper enquiry in accordance with law.

(ii) further direction may be given to the Respondents State to fix up a criteria for providing government aid to the particular non government organization by way of transparency among the Society and not discriminate the petitioner self help organisation namely Samudayik Mahila Krishak Vikas Samiti Sugauli bearing Registration No. 1595 Year 2009-10.

(iii) Any other relief/reliefs as Your Lordships may deem fit and proper in the facts and circumstances of the case.”

On going through the writ application this Court finds that the petitioner claims to be a citizen of India and has a grievance against respondent no.8.

The petitioner has moved this Court directly under Article 226 of the Constitution of India to direct the respondent authorities to institute an enquiry against the private respondent.



This Court does not find any averment in the writ application to satisfy that the petitioner has moved in accordance with the judgment of the Hon'ble Supreme Court in the case of **Lalita Kumari vs. Government of Uttar Pradesh and ors** reported in **(2014) 2 SCC 1** and **Priyanka Srivastava vs. the State of U.P.** reported in **(2015)6 SCC 287**. She has titled this case under the heading "Proper Investigation" but this Court finds that in this case there is no F.I.R.. If it is so, the question of issuing any direction of investigation does not arise.

The petitioner may seek her remedy before appropriate forum in accordance with law.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

