

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2421 of 2021

1. Bhola Thakur Son of Kamal Thakur, Resident of Village - Sikta Haripur Purainiya Near High School, Police Station- Sikta, District - West Champaran.
2. Sushil Kumar, Son of Sukdeo Prasad Rai, Resident of Village - Purani Bajar Ram Nagar, Ward No. 16 Police Station- Ram Nagar, District - West Champaran.
3. Om Prakash Kumar, Son of Ram Chandar Sah, Resident of Village - Geedha, Police Station - Chanpatia, District - West Champaran.
4. Khursheed Alam, Son of Hajrat Hussain, Resident of Mohalla - Baswariya, Ward No. 28, Police Station- Town Bettiah, District - Bettiah.
5. Adarsh Kumar, Son of Dharam Nath Prasad Verma, Resident of Village - Rani Pakri, Police Station- Bettiah, District - Bettiah.
6. Hira Lal Sah, Son of Govardhan Sah, Resident of Village- Shankar, Police Station- Ram Nagar, District - West Champaran.

... .. Petitioner/s

Versus

1. The Regional Director, Life Insurance Corporation Of India, Mumbai.
2. The Divisional Manager, Life Insurance Corporation of India, Lal Bajar, Bettiah.
3. The Manager, Micro Development Life Insurance Corporation of India, Lal Bajar, Bettiah.
4. The Chief Secretary, Department of Agriculture Corporation, Government of India, Office of the Central Registrar of Co-operative Society, Krishi Bhawan, New Delhi.
5. The Registrar of District Co-operative Society, Collectorate Campus, Bettiah.
6. Anil Kumar @ Anil Kumar Choudhary, Son of Ram Briksha Choudhary, Chairman Swarn India Resort and Tour Private Limited, Resident of Village - More Nist, Post Office - Karma, Police Station- Maniyari, District - Muzaffarpur.
7. Sunita Chaudhary, Wife of Anil Choudhary, Resident of Village More Nist, Post Office - Karma, Police Station- Maniyari, District - Muzaffarpur.
8. Mukesh Kumar Chaudhary, Son of Ram Briksha Chaudhary, Resident of Chief Executive Officer - cum- Swarn India Resort and Tour Private Limited, Resident of Village - Sakra Kajid, Police Station- Sakra, District - Muzaffarpur.
9. Ajay Kumar, Director Swarn India Company Resident of Village - Itha Tica, Police Station- Dholi, District - Muzaffarpur.
10. Dipak Prasad Muniya, Director, Swarn India Company Ltd., Resident of Radha Nagar Sundar Bardawan, West Bengal.
11. Vijay Kumar Chaudhary, Director, Swarn India Company Ltd., Resident of



H.No. 18, Kashi Pakri, District - East Champaran.

12. Amarjeet Kumar, Director, Swarn India Company Limited, Sonbarsh Dih Silaut, Police Station, Maniyari District - Muzaffarpur.
13. Prahat Kumar Thakur, Manager, Yajuar Barnch, Swarn India Company Ltd., Main Road, Yajuar, Police Station- Katra, District - Muzaffarpur.
14. Satish Kumar, Director, Swarn India Company Limited, Resident of Pankha Toli, in front of Surkhi Mill, Post Office - Kamla, District - Muzaffarpur.
15. Raj Kishore Ray, Director, Swarn India Private Limited, Resident of Village - Bakhri, Post Office - Bharwari, District - Muzaffarpur.
16. Md. Hasim, Branch Manager, Swarn India Company Private Limited, Ram Nagar, West Champaran, Resident of Village - More Nist, Police Station- Maniyari, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)
Mr. Ravi Bhardwaj, AC to GA-13

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

**HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT**

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 25-01-2022

This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

2. Heard Mr. Mazharul Hussain, learned counsel for the petitioner and Mr. Ravi Bhardwaj, learned AC to GA-13 for the State.

3. The petitioners in the present writ application claim that they are agents of the Life Insurance Corporation through Swarn India Multi State Credit Co-



operative Society Limited ('Co-operative Society' for short). The alleged office bearers of the said Co-operative Society have been impleaded in this application in their individual capacity as party respondents No. 6 to 15.

4. It is the petitioners' case that as agents of the said Co-operative Society Limited, the petitioners have deposited in the account of the said society premium against various insurance schemes of the Corporation. It is their case that though the amounts were deposited by the petitioners in the account of said Co-operative Society, the Co-operative Society in turn did not deposit the same in the respective accounts of the Life Insurance Corporation. In the aforesaid background, the petitioners are seeking following relief :-

“That the present writ petition is being filed for issuance of an appropriate writ/writs, order/orders, direction/directions to the authority concerned for returning the maturity amount which has been deposited by the petitioners as an agent of the Life Insurance Corporation Ltd. through Swarn India Multi Sate Credit Co-operative Societies Limited the Life Insurance of India Company has cheated to the petitioners/the depositors. The Life Insurance Company is sole liable/responsible to make payment of



maturity value to depositors. The agents/petitioners have deposited the money in Life Insurance Corporation of India through Swarn India M.S.C.C.S. Ltd the scheme of L.I.C. as Jeevan Jyoti, Bhagya Lakshmi, Jeevan Madhur, Jeevan Mangal and others scheme. The Respondents are also deposited money in Swarn India Company in the Schemed of F.D., R.D., M.I.S. and etc. at the time of maturity the said maturity amount has not been refund to the depositors then the depositors have put pressure upon the petitioners for his money which has been deposited in Life Insurance Corporation of India through Swarn India and thereafter when the query has been made by the petitioners to the authority concerned of Swarn India, then the satisfactory reply has not been given by the Respondent No. 6 to 16 on that account, the First information Report has also been lodged by Agents as Kazi Mohammadpur Police Station case No. 255 of 2019 dated 30.06.2019 and West Champara Sadar Police Station Case No. 244 of 2019 for defalcation of public money.

In such circumstances your Lordships may pass appropriate order according to law for make payment of the depositors who have been deposited money



in L.I.C. Company of India through his agent Swarn India Multi State Credit Co-operative Societies Limited and also give direction to Life Insurance Corporation of India to make payment of maturity amount to the depositors through agent/petitioners.”

5. There are vague averments made in the writ petition that the petitioners had deposited premiums in the account of the Co-operative Society which they had received from the policy holders and that after maturity, the respective amount is not being paid to the petitioners.

6. It has been asserted in the writ petition that various criminal cases have been instituted against the office bearers of the said Co-operative Society and the petitioners are also being pressurized by the policy holders to pay the maturity amount.

7. Whether the petitioners had deposited the amount in the account of the said Co-operative Society, is a question of fact which would require adduction of evidence before appropriate authority. In a proceeding under Article 226 of the Constitution of India, based on the nature of pleadings and other materials on records of this case such disputes cannot be gone into. Further, the averments made in



the writ petition are totally vague.

8. Additionally, it is the petitioners' own case that there are criminal cases pending in relation to the disputes in question.

9. In such view of the matter, we are not inclined to entertain this writ application at the instance of these petitioners, who themselves claim to be the agents of the said Co-operative Society. The dispute appears to be between the petitioners and the said Co-operative Society.

10. This application is dismissed for the reasons aforesaid.

11. It goes without saying that the petitioners shall be at liberty to invoke appropriate remedy in accordance with law to establish their rightful claim, if any.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.2022
Transmission Date	N/A

