

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14314 of 2014

Unmeshwar Prasad Sinha, President, Purushottampur Gram Vikash Samiti, having its office at village - Purushottampur, P.O. Purushottampur, P.S. Maniyari, District - Muzaffarpur

.... Petitioner

Versus

1. The Union of India through its Secretary, Department of Rural Development, Govt. of India, New Delhi
2. The Secretary, Department of Rural Development, Government of Bihar, Patna
3. The Secretary, Department of Panchayat Raj, Govt. of Bihar, Patna
4. The Commissioner, Tirhut Division, Muzaffarpur
5. The District Magistrate, Muzaffarpur
6. The Deputy Development Commissioner - cum - Coordinator of MANREGA at Muzaffarpur

.... Respondents

Appearance :

For the Petitioner : Mr. Nawnit Kumar Tiwary, Adv.
For the Respondents : Mr. Jawahar Pd. Karn, AAG 2
Mr. Siddharth Pd. AC to AAG 2
Mr. Ram Anurag Singh, C.G.C.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-03-2015

This writ petition is filed in public interest with a prayer to initiate criminal action against the Mukhiya of Purushottampur and some other officials connected with the operation of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA for short).

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Basically, we find that the writ petition was filed only with a view to settle some political scores against the

Mukhiya of the village. It is fairly well known that neither the Mukhiya nor the members of Gram Panchayat has any role to play in the scheme. There is a criticism in relation to the scheme that it is meant only to spend the public fund for unproductive proceedings and deliberately the operation of the scheme was kept outside the scope of the audit and other protective measures established by the Governments. The complaint of the petitioner is general in nature. At any rate, the Act has its own mechanism for operation. This Court cannot undertake the operation of the scheme by itself, much less direct the action against the various persons when the Act itself indirectly permits or provides for such misuse of funds. The writ application is, accordingly, dismissed.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

K.C.jha/-
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