

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6784 of 2015

- =====
1. Dashrath Prasad, son of Late Jagdeo Ram, resident of Mohalla-Kabirganj, P.O. Sasaram, P.S. Sasaram Town, District- Rohtas at Sasaram.
 2. Atendra Kumar Singh, son of Sri Baban Singh, resident of Mohalla-New Area, P.O. Sasaram, P.S. Sasaram Town, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The District Magistrate, Rohtas at Sasaram, District - Rohtas at Sasaram.
5. The Executive Officer, Nagar Parishad, Sasaram, District- Rohtas at Sasaram.
6. Smt. Nazia Begum, wife of Md. Ali, presently Chief Councillor, Nagar Parishad, Sasaram, District- Rohtas at Sasaram.
7. Sri Chandra Shekhar Singh, son of not known to the petitioners, presently Deputy Chief Councillor, Nagar Parishad, Sasaram, District-Rohtas at Sasaram.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam
Mr. Chandan
For the Respondent-State : Mr. Mithilesh Kumar Pathak, SC-7
For Nagar Parishad, Sasaram : Mr. Vijay Shankar Upadhyay

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 03-08-2015 Heard Mr. S.B.K. Manglam, learned counsel

appearing on behalf of the petitioners, learned counsel for the

State and Mr. Vijay Shankar Upadhyay, learned counsel

appearing for the Nagar Parishad, Sasaram.

The limited grievance raised by the petitioners in this writ petition is that in spite of the fact that the petitioners have drawn the attention of the statutory authorities under the Bihar



Municipal Act, 2007 (hereinafter referred to as 'the Act') towards the alleged financial irregularities and misconduct of the Chief Councillor, the Deputy Chief Councillor and the Executive Officer of Nagar Parishad, Sasaram in the district of Rohtas and although the matter was enquired into by the Sub-Divisional Officer, Sasaram who submitted his report as back as on 17.10.2014 confirming the allegations of the petitioners, a copy of which report is placed at Annexure-3 and which was duly forwarded to the Secretary, Urban Development and Housing Department, Government of Bihar by the District Magistrate, Rohtas at Sasaram vide letter no.452 dated 6.2.2015 placed at Annexure-8 but thereafter the matter has been relegated to the record room for no follow up action is being taken by the Principal Secretary of the department on the report of the Sub-Divisional Officer so forwarded by the District Magistrate, Rohtas at Sasaram.

Mr. Manglam, learned counsel appearing for the petitioners with reference to a representation of the petitioners filed on 21.1.2015 addressed to the Principal Secretary, Urban Development and Housing Department submits that a prayer was made to order for removal of the Chief Councillor, the Deputy Chief Councillor and the Executive Officer of Nagar Parishad, Sasaram in view of the alleged irregularities by

exercise of power vested in the Principal Secretary under section 25(5) of 'the Act' but the same has not borne any result and hence this writ petition.

Having heard learned counsel for the parties and considering the nature of grievance raised against the Principal Secretary of keeping the matter pending, I deem it proper to dispose of the writ petition with a direction to the Principal Secretary, Urban Development and Housing Department, Government of Bihar to consider the allegation so made by the petitioners in the backdrop of the report submitted by the Sub-Divisional Officer, Sasaram (Annexure-3) duly recommended by the District Magistrate, Rohtas at Sasaram on 6.2.2015 and dispose of the same in accordance with law and after giving opportunity of hearing to the concerned parties against whom the allegations are levelled i.e. the Chief Councillor, Deputy Chief Councillor and the Executive Officer of Nagar Parishad, Sasaram, district- Rohtas, expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

SKPathak/-

U			
---	--	--	--