

sIN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10714 of 2011

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Ganesh Prasad Singh S/O Late Mahabir Prasad Singh R/O Vill.+P.O.-
Bhith Bhagwanpur, P.S.- Madhepur, Distt.- Madhubani At Present Residing
At Barheta Nahar, P.O.-Laheriasarai, Distt.- Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary Govt. Of Bihar, Panchayati Raj Department, Bihar,
Patna
3. Divisional Commissioner Darbhanga
4. District Magistrate Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishwanath Prasad Singh

For the Respondent/s : Mr. Avnish Nandan Sinha Gp11

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

02 08-09-2015

Heard counsel for the petitioner and the State.

No counter affidavit has been filed.

The petitioner is the resident of the village failing under
Bhith Bhagwanpur Gram Panchayat, Prakhand Madhepur in the
district of Madhubani. Several residents of the said Gram
Panchayat, including the petitioner, are said to have filed an
application before the District Magistrate depicting the
illegalities/irregularities which are being committed by the
Mukhiya of the said Gram Panchayat, misuse of public money
and also in the implementation of different schemes of the
government. In substance, the petitioner has questioned on

several counts the conduct of the affairs of the Gram Panchayat in question by the Mukhiya of the Gram Panchayat.

It has been submitted with reference to Annexure-4 to the writ petition that such grievance can be raised before the District Magistrate for enquiry and disposal. The District Magistrate can also authorize any officer, below him, to conduct such enquiry, if so directed. The notification of the government in the Department of Panchayati Raj has been issued on 26.08.2008 under section 152 of the Bihar Panchayat Raj Act, 2006, as amended in 2007. No heed was paid to the representation resulting in filing of the writ petition.

Mr. Singh submits that an advocate notice was also given to the functionary which was addressed to the Divisional Commissioner also who, taking note thereof, forwarded the same to the District Magistrate for taking appropriate steps/action as required in law. Annexure-3 is the communication made in this regard by the Deputy Director, Panchayati Raj, Darbhanga Division, Darbhanga. The contention of the petitioner is that any such allegation/grievance relating to the affairs of the Gram Panchayat in terms of Annexure-4 can be raised before the District Magistrate which has been raised but no action has been taken. The State respondent (s) have not controverted the

statements made in the writ petition.

The writ petition is disposed of by directing the District Magistrate, Madhubani (respondent no.4) to consider the application (Annexure-1 to the writ petition) and take appropriate action/decision as required in law on the said application as quickly as possible preferably within three months from the date of receipt/presentation of a copy of this order together with a copy of Annexure-1 before the said respondent.

(Kishore Kumar Mandal, J)

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