

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14856 of 2014

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Devanand Yadav, son of Sri Sadanand Yadav, resident of Mohalla -
Baidnathpur R.S. Ward No.6, Araria Nagar Parishad, Police Station and
District - Araria

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna
3. The Deputy Secretary, Urban Development and Housing Department, Government of Bihar, Patna
4. The District Magistrate, Araria
5. The Executive Officer, Nagar Parishad, Araria
6. Mr. Anil Kumar, son of not known to the petitioner, the then Executive Officer, Nagar Parishad, Araria at present posted as Assistant Engineer, Nagar Parishad, Araria
7. Afsana Parveen, wife of Md. Imteyaz Alam, resident of Station Road, Rahika tola, Ward No. 18, Police Station and District Araria, the then and at present Chief Councillor, Nagar Parishad, Araria

.... Respondents

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Appearance :

For the Petitioner : Mr. Shravan Kumar, Sr. Advocate
Mr. Murari Prasad Sinha, Advocate.

For the State : Mr. Ajay, G.A.12

For Respondent No.5 : Mr. Mrigank Mauli, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 27-04-2015 The letter dated 27.3.2012 said to have been addressed by the then Executive Officer of Araria Nagar Parishad to the Deputy Secretary, Urban Development and Housing Department, Bihar, Patna stated, inter alia, that in relation to the execution of certain works like construction of road and Nala, certain irregularities have taken place and he, requested the Deputy Secretary to the Government, Municipal Administration to initiate action against the Chief Councillor,

by name Smt. Afsana Praveen, and certain official of Nagar Parishad. Based on the said letter, the petitioner seeks a direction to the respondents to lodge an F.I.R. against respondent Nos.6 and 7.

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for respondent No.5.

The irregularities are said to have taken place during the financial year 2010-11 and 2011-12. If the Executive Officer has noticed the said irregularities, he could have taken action and, if necessary, could have filed F.I.R. also.

The record discloses that he did not take any such steps. Further, he has gone to the extent of servant of the Government to take action against the Chief Councillor, which, in fact, amounts to insubordination. Further, he did not state as to who is the person responsible for all that. We do not approve, the conduct of the Officer.

We do not find any ground to entertain the writ petition. It is, accordingly, dismissed.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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