

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9128 of 2015

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Praveen Kumar son of Sri Bipendra Singh Chandel R/o village- Mahadeopur, P.S.- Rajgir Ward Counsellor District- Nalanda, Presently ward no.8 Rajgir Nagar Panchayat P.O. and P.S.- Rajgir, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, At Bihar sharif.
2. The Sub-divisional Officer, Rajgir, P.O. and P.S. Rajgir, Distt- Nalanda.
3. The Executive Officer, Nagar Panchayat, Rajgir. P.O. and P.S- Rajgir, Distt- Nalanda.
4. Upendra Kumar Bibhuti s/o Late Rambriksh Sao, R/o Tulsigali Rajgir, P.S.- Rajgir, Distt- Nalanda.
5. Ashok Rai Son of Late Suresh Yadav, R/o village- Barimilki, P.s.- Rajgir, Distt- Nalanda.
6. Dr. Anil Kumar son of Late Sukhdeo Mahto, R/o village- Panditpur, P.S.- Rajgir, Distt- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Siyaram Shahi
	Mr. Dr. Anjani Pd. Singh
For the State	AC to AAG 13-Mr. A.K. Choudhary
For respondent no.3	Mr. Gayan Prakash
For respondent nos. 4-6	Mr. S.K. Ranjan
	Mr. Amresh Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 20-07-2015 Heard Mr. Siyaram Shahi for the petitioner, Mr. Gyan Prakash for the respondent Rajgir Nagar Panchayat (for short 'the Nagar Panchayat'), Mr. S. K. Ranjan for respondent nos. 4 to 6 and the counsel for the State.

The petitioner before this Court is a Ward Member of the respondent-Nagar Panchayat and is raising a grievance that in the matter of settlement of Malmas Mela in Rajgir which was



held between 16.06.2015 to 17.07.2015 the respondent-Executive Officer has acted in a quite arbitrary and oblique manner in allowing the contract in favour of respondent nos. 4 to 6 for holding the Mela. The bidder(s) who participated in the bid process and were not settled the Mela is/are not before this Court. Indisputably, the Mela was held between 16.06.2015 to 17.07.2015.

The contention of Mr. Shahi is that it was the one man show of the Executive Officer in deciding the bidder for holding of the Mela. No official or member of the Committee was involved in the process. It has thus been submitted that although the writ application has become infructuous but this Court may suitably amend the relief and direct the respondent to institute an inquiry into the omissions and commissions of the Executive Officer.

Mr. Prakash learned counsel for the Nagar Panchayat, on the other hand, draws attention of the Court to Annexure-A, B,C and D to the counter affidavit wherefrom it appears that a notice was published inviting tenders from all intending bidders. Owing to certain reasons i.e. non grant of permission to hold/run theatre and circus etc. the bid amount was considered onerous and nobody submitted the bid papers. In such circumstance,

information was given to all concerned and in order to ensure that the Mela is held, steps were taken in right earnest by the Executive Officer. He has drawn attention of the Court to diverse pleadings in the counter affidavit.

Considering the fact that the person(s) aggrieved is/are not before this Court and that the Mela is over, in my view, the issue(s) raised in this application need not be gone into. The relief(s) prayed for in the application is declined. If the petitioner is really aggrieved by non functioning or malfunctioning of the Executive Officer he may take steps as required under law.

The application is disposed of.

(Kishore Kumar Mandal, J)

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