

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3992 of 2015

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Sudha Devi wife of Raj Kumar Yadav resident of village Gajadharpur Tola
-Karnhanibagh P.S. Tankupa District-Gaya at present Mukhia Gram
Panchayat Gajadharpur Tankupa District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary Rural Development Government of Bihar.
3. The District Magistrate, Gaya.
4. The Deputy Development Commissioner, Gaya.
5. Block Development Officer Tunkuppa, Gaya.
6. Project Executive Officer, Tunkuppa, Gaya.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate
For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 08-12-2015 Heard the parties.

The petitioner is the Mukhiya of Gram Panchayat Raj Gajadharpur, Block-Tankuppa in the district of Gaya and is aggrieved by the order bearing Memo No. 386 dated 29.1.2015 whereby she has been directed to deposit a sum of Rs. 1,48,880/- along with the Panchayat Rojgar Sewak for the loss suffered by the Panchayat on account of drying of plants which according to the Deputy Development Officer was due to the negligence on the part of these persons.

Mr. Vishwa Ranjan Choudhary, learned counsel appears for the petitioner to submit that the order passed by the



Deputy Development Commissioner impugned in the writ petition is an offshoot to another order passed by the Deputy Development Commissioner bearing Memo No. 387 dated 29.1.2015 which was passed in the light of the order passed by the Lokpal, (MANREGA) who had enquired into the allegations / irregularities complained of, in respect of various Schemes. With reference to the order of the Deputy Development Commissioner present at Annexure-7, it is submitted that although the order of the Lokpal is directed primarily against the Panchayat Rojgar Sewak and so is the opinion of the Deputy Development Commissioner but despite the position, the Deputy Development Commissioner has misdirected himself to issue the impugned order dated 29.1.2015 whereby the petitioner is also saddled with the financial liability even when no role of the petitioner is established in the matter rather merely because the petitioner happens to be the Panchayat head that she has been roped with the liability.

It is in consideration of the submissions made by Mr. Choudhary that this Court by order dated 30.11.2015 while requiring the State to respond to the issue raised also restrained them from instituting a criminal case in case no FIR had been instituted until then. A counter affidavit has been filed in which it

is stated that it is in consideration of the directions contained in the impugned order dated 29.1.2015 that an FIR has been instituted against the petitioner and the Panchayat Rojgar Sewak on 28.10.2015, a copy of which is placed at Annexure-C to the counter affidavit.

Having heard learned counsel for the parties and considering that the order dated 29.1.2015 bearing Memo No. 386 impugned at Annexure-8 has been acted upon by the respondents to institute an FIR, the only order that this Court at present would pass, is that the recovery of the financial liability imposed on the petitioner under the order impugned dated 29.1.2015 to the tune of Rs. 1,48,880/- shall be kept in abeyance and would be subject to the final outcome of the criminal proceedings. While holding as such this Court would also give liberty to the petitioner to take recourse to such other remedy that may be available to him in law to question the initiation of the criminal proceedings.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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