

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14148 of 2014

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1. Binod Kumar S/o Late Ramchandra Prasad, resident of Mohalla- Saraswati Colony, Hilsa, P.S.- Hilsa, District- Nalanda Aam Admi Party Karyakala.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Principal Secretary, Urban Development Department, Bihar, Patna
3. The District Magistrate, Nalanda at Bihar Sharif
4. The Sub-Divisional Officer, Hilsa (Nalanda)
5. The Executive Officer, Nagar Parishad Hilsa Nalanda, District- Nalanda
6. The Chairman-cum-Chief Councillor, Hilsa Nagar Parishad Hilsa Nalanda, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Braj Kishore Singh, Advocate
Mr. Bijay Kumar Pandey, Advocate
For the Respondents 1 to 4: Mr. Alok KUMar Rahi, A.C. to A.A.G.-2
For the respondents 5 & 6 : Mr. Indu Bhushan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-03-2015

This writ petition is filed by way of public interest litigation complaining that the public funds in Hilsa Municipality are being spent for unproductive purposes and works have been allotted without following the procedure. Further allegations are also made.

Respondent no.5 filed a detailed counter affidavit. He stated that on receiving the complaint, the Sub-Divisional Officer directed the enquiry and the Executive Magistrate, Hilsa conducted a detailed enquiry and submitted a report on 20th September, 2014. He stated that none of the allegations made by the petitioner are found to

be true and the petition has been filed to settle political scores among the Councillors.

Heard Sri Braj Kishore Singh, learned counsel for the petitioner, Sri Alok Kumar Rahi, learned counsel for the respondents 1 to 4 and Sri Indu Bhushan, learned counsel for the respondents 5 and 6.

The petitioner, no doubt, mentioned that certain works were allotted without following the procedure; and that nepotisms were exhibited. The fact, however, remains that on receiving the very complaint; the Sub-Divisional Officer directed enquiry and the Executive Magistrate submitted a detailed report after conducting the enquiry. None of the allegations were found to be true. It is also stated that the petitioner is none other than the brother of the Councillor of the Municipality.

We do not find any merit in the writ petition and the same is dismissed.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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