

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12316 of 2013

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1. Anisur Rehman Son of Late Ayub Ali Resident of Village- Durgapur,
Johur Mandal Tola, Police Station- Barari, District- Katihar, Secretary,
Kishan Mahasangh, Durgapur, Katihar

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna
3. Director, Panchayati Raj, Bihar, Patna
4. District Magistrate Cum Collector, Katihar
5. Additional Collector, Katihar
6. District Panchayat Raj Officer, Katihar
7. Block Development Officer, Barari, District- Katihar
8. Gram Panchayat Supervisor, Barari, District- Katihar
9. Hamesha Khatoon Wife of Abdul Rehman Resident of Village- Amarpur,
Markhaha, P.S.- Barari, District- Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 24-08-2015 Heard Mr. Rajendra Prasad, learned Senior Counsel for the
petitioner and learned counsel for the State.

The petitioner prays for appropriate direction to the
respondent Nos. 1 and 2 i.e. Principal Secretary of the Panchayat
Raj Department to draw proceedings under section 18(5) of the
Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the
Act') against the respondent No.9 who happens to be the Mukhiya
of Gram Panchayat Raj, Durgapur in the District of Katihar.

According to the petitioner, the respondent no.9 has

indulged in large scale irregularity in administering the Panchayat which also borders on financial irregularity and amounts to misconduct within the meaning of Section 18(5) of 'the Act'.

Although Mr. Rajendra Prasad learned Senior Counsel representing the petitioner has referred to some representations filed by the petitioner in this regard before different authorities but those representations are addressed to the authorities other than the statutory authority so prescribed under 'the Act'. It is perhaps in these circumstances that these representations were never acted upon or the reasons may be other wise.

However, taking note of the circumstances that the representations filed by the petitioner were not addressed to the appropriate authority under 'the Act', in my opinion, the only order that can be passed in the present writ petition is to grant liberty to the petitioner to file an appropriate application before the District Magistrate, Katihar by giving the details of the irregularities allegedly committed by the respondent No.9 and with a payer for initiating proceedings under Section 18(5) of 'the Act' and should any such application be filed by the petitioner before the District Magistrate, Katihar, he shall consider and dispose of the same in accordance with law but only after giving opportunity of hearing to the petitioner and the Mukhiya that is the

respondent No.9 herein and if upon consideration of the matter in totality the District Magistrate, Katihar finds substance in the charges so made by the petitioner he would take recourse to the appropriate measures in accordance with law.

Considering the nature of the issue raised, an expeditious disposal of the grievance so to be raised by the petitioner preferably within six months form the date of filing of such application, would be appreciated.

(Jyoti Saran, J)

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