

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13239 of 2016

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Md Shakeel Khan, son of Late Mahfuz Khan, resident of mohalla Lohartoli, Ward No. 20, Sherghati, P.S. Sherghati, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Collector, Gaya.
4. The Sub Divisional Officer, Sherghati, Gaya.
5. The Executive Officer, Nagar Parishad, Sherghati, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Sandeep Kumar, Advocate

For the Respondent/s : Mr Subhash Prasad Singh, GA 3 with
Mr Shiv Kumar, AC to GA 3

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 20-10-2016

A counter affidavit has been filed on behalf of respondent No 2 (Principal Secretary, Department of Urban Development and Housing) duly sworn by the Under Secretary. It annexes Annexure B, the report of the Committee, as directed by this Court. The Committee has clearly opined, after making all enquiries, that there was mass scale irregularity committed in implementing the scheme. We are consciously using the word illegality in contradiction to irregularity. What surprises is notwithstanding the aforesaid report,

apart from initiating departmental proceeding against the then Executive Officer, no drastic action has been contemplated. That sends a wrong message. He continues to be the Block Development Officer at Sherghati though not Executive Officer.

2 Having considered the matter, now that the allotments have been cancelled and fresh process is to be undertaken and some action, though not adequate, against the then Executive Officer, has been taken, there would be no purpose to continue with this proceeding. It is, accordingly, disposed of.

3 Before concluding, we would like to point out that the Government must frame proper guidelines and be more vigilant in such scheme and its implementation. Had this PIL not been filed, serious illegalities would have been perpetuated. Necessary directions would have to be given and necessary surveillance has to be maintained so that the discretionary powers are not abused in the manner, as seen in this case.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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