

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3445 of 2014

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Ram Chandra Prasad Son of Late Etwari Mahto Resident of Village and P.O.
Durgapur, P.S. Giriyak District- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna
3. The District Magistrate, Nalanda
4. The Dy. Development Commissioner, District Rural Development Authority, Nalanda
5. The Director, District Rural Development Authority Nalanda
6. The Block Development Officer, Giriyak Block, Nalanda
7. The Project Officer (Manrega) Block Giriyak, District Nalanda
8. The Mukhiya, Durgapur Gram Panchayat Block- Giriyak Distt.- Nalanda
9. Panchayat Rojgar Sewak, Durgapur Gram Panchayat Block, Giriyak, Dist.- Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kr. Verma, Sr. Adv
Mr. Karuna Nath Sahay, Adv.
For the Respondent/s : Mr. K.P. Yadav, G.P-11
Mr. Umesh Kumar Roy, AC to GP-11

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 20-09-2016

Heard Mr. Rajeev Kumar Verma for the petitioner and
Mr. K.P. Yadav for the State.

During the year 2006-11 the petitioner was the elected Mukhiya of Durgapur Gram Panchayat under whom certain scheme under the MGNREGA was undertaken. Even thereafter, under the leadership of another Mukhiya (respondent no. 8) certain work under the said scheme was carried out. The respondents-State found some culpability in execution of those schemes by the petitioner, the

subsequent Mukhiya (respondent no. 8) as well as other officials connected therewith. The respondents contemplated filing of an FIR in relation to non-furnishment of accounts and thus misappropriation of the government fund.

It has been stated at the bar that till date no FIR has been lodged. In the meantime, the petitioner had represented before the Deputy Development Commissioner (Annexure-2) to make appropriate inquiry and direct to consider the relevant facts with regard to the execution of work under the said scheme. He had also undertaken to deposit the amount if any outstanding with the petitioner.

A supplementary affidavit is filed by the petitioner enclosing therewith copies of three cheques in favour of NREGS, Gram Panchayat Raj, Durgapur for a sum of Rs. 3,35,000/-, 2,00,000/- and 1,91,013/- respectively. It is stated that the payment has already been made in the account of the payee.

Mr. Verma states that all these facts can be brought to the consideration of the authority for making an appropriate inquiry into the allegation of misappropriation and bring the same to a logical conclusion. He has undertaken to file a representation in this regard before the respondent-Deputy Development Commissioner. It is submitted that the application be disposed of directing the

respondent-Deputy Development Commissioner to consider/examine the said representation of the petitioner and take appropriate decision and/or pass appropriate orders as may deemed fit and proper.

Having appreciated the said stand of Mr. Verma, the counsel for the State has not objected to disposal of the application permitting the petitioner to represent before the respondent-Deputy Development Commissioner.

Regard being had to above, the writ application is disposed of permitting the petitioner to file a fresh representation before the respondent- Deputy Development Commissioner enclosing therewith all relevant document(s)/paper(s).

Needless to observe, if any such application/representation is filed, the same shall receive due consideration at the hand of the concerned respondent/authority in accordance with law expeditiously.

rohit/-

(Kishore Kumar Mandal, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.09.2016
Transmission Date	N.A.