

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18773 of 2011

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Kauslendra Kumar Singh son of Late Upendra Narayan Singh, resident of Village and P.O.- Biman, P.S.- Ariyari, District- Sheikhpura, at present resident of Front of Sheikhpura Police Station, Station Road Sheikhpura, District- Sheikhpura

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
3. The Project Director, D.P.A.P., Department of Rural Development, Government of Bihar, New Secretariat, Patna.
4. The Director (Social Forestry), Department of Rural Development, Government of Bihar, Patna.
5. The Deputy Development Commissioner, Sheikhpura
6. The Director, D.R.D.A., Sheikhpura
7. The Block Development Commissioner, Ariyari, District - Sheikhpura - Cum - P.I.A. (Programme Implementing Agencies) Hariyali Project, Block- Ariyari, District- Sheikhpura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Adv.

For the Respondent/s : Mr. Udai Shankar Singh, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-04-2016

Heard learned counsel for the petitioner and the respondents.

2. The present writ petition has been filed for quashing the order issued under the signature of D.D.C., Sheikhpura (Respondent No. 2) addressed to the Block Development Officer, Ariyari (Respondent No. 7) vide letter No. 1581 dated 3.9.2011 and as also the letter issued by the Respondent No. 7 in pursuance of above letter vide Memo No. 1231 dated 17.09.2011 by which the petitioner was directed to

deposit Rs. 4,50,000/- with interest in Block-Nazarat.

3. Learned counsel for the petitioner submits that the work of preparing the D.P.Rs. in question under the Hariyali Project was duly completed and the respondents are not justified in requiring the petitioner to refund the amount paid. It is submitted that the defects pointed out in the D.P.Rs. by letter no. 1097 dated 08.05.2007 had also been removed as evident from the petitioner's letter dated 20.06.2007 (Annexure-7). It is therefore submitted that if the work under the Hariyali Scheme did not commence, the responsibility for the same lay with the concerned Block Development Officer who was the Programme Executing Agency.

4. Learned counsel for the respondents, on the other hand, supports the impugned orders, submitting that as a matter of fact the defects in the D.P.Rs. of the petitioner were never removed, by reason of which the work under the Hariyali Project could not commence. A categorical statement has been made in para-13 of the supplementary counter affidavit to the effect that the petitioner's aforesaid letter dated 20.06.2007 as contained in Annexure-7 had not been filed by the petitioner which was forged and fabricated.

5. Having heard the parties and on consideration of the materials on record, this Court is not inclined to interfere in the matter. Having regard the stand of the respondents that the

petitioner's letter dated 20.06.2007 (Annexure-7) was forged and fabricated, the petitioner cannot be said to have established that the defects in question said to exist in the D.P.Rs. had been removed to the satisfaction of the respondents. Significantly, the petitioner has not filed any rejoinder to the supplementary counter affidavit and hence the averments contained therein must be treated as admitted by the petitioner. At best, the issue involves disputed questions of fact which cannot appropriately be addressed by this Court in its writ jurisdiction.

6. The writ petition accordingly stands dismissed.

7. It is made clear that the present judgment shall not however prevent the petitioner from seeking remedy before any appropriate forum for redressal of his grievances as may be available in accordance with law.

(Vikash Jain, J)

Md. Ibrarul/-

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