

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21331 of 2014

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1. Bharastachar Mukti Swainsevi Sangathan a registered organization, Regn. No. 1504 under S.R. Act, P.O. AND P.S. Ekankarsarai, Nalanda through its district Secretary Nalanda, Sita Ram Singh @ Sita Ram Chandrabanshi, S/o Late Mahavir Singh, Resident of Dattu Bigha, P.S.-Aungari, P.O.- OPP, District- Nalanda.

.... Petitioner

Versus

1. The Government of Bihar represented through Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Vigilance, Government of Bihar, Patna.
3. The Department of Home (Special) Bihar, Patna through its Secretary.
4. The Vigilance Investigation Bureau, Bihar, Patna.
5. The District Magistrate, Nalanda, Bihar Sharif.
6. The S.D.O., Hilsa, Nalanda.
7. The B.D.O., Ekangarsarai, Nalanda.
8. The Secretary, Department of Panchayati Raj, Bihar, Patna.
9. The Central Bureau of Investigation, Patna Zone, Bailey Road, Patna-800022.
10. Gram Panchayat OP, Ekangarsarai, Nalanda.
11. Panchayat Samiti, OP, Ekangarsarai, Nalanda.
12. Sia Saran Thakur, Ex- Member Zila Parishad, Nalanda.
13. Smt. Kumari Tripti, W/o Dharmendra Kumar, Mukhia Gram Panchayat Parthu, Ekangarsarai, Nalanda.
14. D.R.D.A., Nalanda, Bihar Sharif, through its Chairman Juit Singh.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. R. K. Rajan

For the Respondent/s : Mr. Devendra Kr Sinha, AAG2

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 13-01-2016 Heard Mr. R.K.Rajan, learned counsel for the petitioner,

and Mr. Devendra Kumar Sinha, learned Additional Advocate

General No. 2, appearing for the respondents.

While disposing off, on 24.02.2014, C.W.J.C.No. 2875 of
2014, which arose out of the writ petition, made under Article 226

of the Constitution of India, in the form of PIL, a Division Bench of this Court observed and directed as follows:-

“Heard learned counsel for the petitioner and the State.

If any joint reports have been submitted by the additional Collector, Nalanda and the Senior Deputy Collector, Incharge Officer Disaster Management Cell, Nalanda bearing No. 2630 dated 15.9.2011 regarding embezzlement and misappropriation inter alia by the Mukhiya and the Panchayat Sachiv, the Principal Secretary, Department of Panchayati Raj shall examine the report and act in accordance with law.

The Public Interest Litigation is therefore disposed with directions to the Principal Secretary, Department of Panchayati Raj and such other appropriate authority to examine the report dated 15.9.2011 and proceed in accordance with law as counsel for the petitioner submits that despite placement of the report before the District Magistrate, no action was being taken.

The application stands disposed with the aforesaid observations.”

Though the Principal Secretary, Department of Panchayati Raj, Government of Bihar, was not a party to the said writ petition, the fact remains that the Government of Bihar, represented by its Chief Secretary, was, indeed, a party to the said case and it was, therefore, the duty of the Principal Secretary,

Department of Panchayati Raj, Government of Bihar, to examine the joint reports, which have been referred to in the order, dated 24.02.2014, aforementioned.

It is, however, submitted by Mr. Devendra Kumar Sinha, learned Additional Advocate General No. 2, that the aforementioned joint reports have been placed for consideration and necessary action before the Principal Secretary, Department of Panchayati Raj, Government of Bihar, and that necessary actions, in accordance with law, would, now, be taken.

Considering, therefore, the matter in its entirety and in the interest of justice, it is hereby directed that the Principal Secretary, Department of Panchayati Raj, Government of Bihar, shall examine the reports and pass appropriate orders, in accordance with law, within a period of four weeks from today.

In terms of the observations and directions, the proceeding is closed with leave to the petitioner to move this Court if, in future, such a situation arises.

Let a copy of this order be furnished to the office of the learned Advocate General, Bihar.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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