

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.228 of 2015
Arising of
Civil Writ Jurisdiction Case No. 14070 of 2014**

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Anil Kumar Choubey, son of Late Onkar Nath Choubey, Resident of village
Parmanpur, Block and P.S. Nawanagar, District Buxar.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department,
Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Deputy Development Commissioner, Buxar.
4. The Block Development Officer, Nawanagar Block, District - Buxar.

.... Respondents

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Appearance :

For the Appellant/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 25-04-2016

Heard learned counsel for the parties.

2. The order dated 16.12.2014 passed by the learned
single Bench in C.W.J.C. No. 14070 of 2014 is the subject matter of
challenge in the present Letters Patent Appeal.

3. The writ petition was directed against the order
passed by the District Magistrate, Buxar, communicated by the
Deputy Development Commissioner, Buxar on 2nd of July 2014,
whereby a direction was issued for registering a police case as well as
for recovery of the amounts mentioned in the order against the



appellant, who was the Mukhiya of the Gram Panchayat, Parmanpur, District- Buxar. The District Magistrate, in his order, has found irregularities on the basis of the report obtained by the officers in the purchase of solar light panels. After finding the illegalities and irregularities, the District Magistrate ordered for initiation of a criminal proceeding as well as recovery of the loss amount. It is the said order; which has not been interfered by the learned single Bench.

4. It is argued that in the present Letters Patent Appeal, that the order of the District Magistrate is untenable for the reason that there was no sufficient basis for initiation of police investigation against the appellant.

5. We do not find any merit in the said argument whether there is illegality in the purchase of the solar light panels or irregularity is a matter, which is a matter of investigation. The investigation cannot be scuttled at this stage when the police is seized of the investigations. Still further, the criminal and the civil proceedings can proceed simultaneously and cannot be said to be not maintainable.

6. In view thereof, we do not find any error in the order passed by the learned single Bench, which may warrant interference in the present intra court appeal.

7. The Letters Patent Appeal stands dismissed.

8. Needless to say that the Investigating Agency and the Certificate Officer shall proceed to fix the responsibility of the guilty officers including the appellant in accordance with law without being influenced by any of the observations made by the Court or by the District Magistrate.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar
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