

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17608 of 2013

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1. Ajay Kumar Singh S/o Late Ganga Singh resident of Mohalla-Hariharganj, Ward No. 14, PO + PS Nasriganj, District Rohtas, presently Ward Councilor of Ward No. 9 of Nagar Panchayat Nasriganj
 2. Shailesh Kumar S/o Late Ram Chandra Prasad resident of Ward No. 6, PO + PS-Nasriganj, District- Rohtas, presently Ward Councilor of Nagar Panchayat Nasriganj, Elected From Ward No. 5

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development And Housing Department, Government of Bihar, Patna
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna
3. The District Magistrate, Rohtas at Sasaram
4. Nagar Panchayat, Nasriganj through the Chief Councilor, P.O. + P.S- Nasriganj, District Rohtas
5. The Chief Councilor Nagar Panchayat Nasriganj, PO. + PS. - Nasriganj, District -Rohtas
6. The Executive Officer, Nagar Panchayat Nasriganj, PS. + PS.- Nasriganj, District-Rohtas

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. SHASHI BHUSHAN KUMAR MANGLAM, Advocate
For the Respondent/s: Mr. RAJESH KR.VERMA, SC-27

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 29-01-2016

Heard Mr. S.B.K. Manglam, learned counsel for the petitioners, Mr. Kinkar, SC-27 for the State and Mr. R.S. Pradhan, learned senior counsel assisted by Mr. Ranjeet Chohbey for the respondent no. 5, the Chief Councillor.

Though served the Executive Officer, Nagar Parishad, Nasriganj, District-Rohtas has not responded to the notice.

With the consent of the parties the writ petition has been taken up with a view to its final disposal at the stage of admission itself.

The petitioners happen to be Ward Councillors of the



Nasriganj Nagar Panchayat and are aggrieved by the order dated 20.8.2013 passed by the Principal Secretary, Urban Development and Housing Department, Government of Bihar in disposing of the representation of the petitioners in purported compliance of the order passed by this Court in CWJC No. 2501 of 2013. Whereas the copy of the order impugned dated 20.8.2013 passed by the Principal Secretary is present at Annexure-5, the order of this Court passed in CWJC No. 2501 of 2013 is present at Annexure-2. The petitioners had raised a grievance regarding the partisan attitude of the Chief Councillor in ignoring their wards while framing schemes. It is in consideration of the grievance raised that a Bench of this Court disposed of the writ petition so preferred by the petitioners bearing CWJC No. 2501 of 2013 vide order present at Annexure-3 with liberty to the petitioners to approach the Principal Secretary, Urban Development and Housing Department with their grievance. It is following such liberty that an application was filed by the petitioners and has been disposed of by the impugned order taking note of the stand of the Chief Councillor and the Executive Officer of the Nagar Panchayat regarding notification of tender in relation to schemes which also catered to the grievance raised by the petitioners.

The petitioners are aggrieved by such disposal for according to them it does not redress their grievance. An interlocutory application bearing I.A. No. 190 of 2016 has also been filed by the petitioners to bring on record a tender notice which according to the

petitioners again does not relate to their wards.

A counter affidavit has been filed by the Chief Councillor and paragraph-14 to 16 discusses the steps taken by the Chief Councillor for framing and allotment of the schemes and the Chief Councillor in paragraph-16 has explained the manner of distribution of the schemes amongst the wards with reference to their requirement as well as the finance available.

In my opinion, the explanation so given by the Chief Councillor as present in paragraph-14 to 16 of the counter affidavit justifies the steps taken under the Schemes and since the order of the Principal Secretary also rested on the assurance given by the Chief Councillor to consider the grievance of the petitioners and take appropriate action even the same does not warrant interference.

The writ petition is accordingly disposed of.

It goes without saying that if the petitioners are of the opinion that certain issues in relation to the wards which they represent would require an attention of the Chief Councillor they shall be at liberty to draw his attention for expressive consideration.

(Jyoti Saran, J)

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