

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18968 of 2014

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Ravindra Singh, resident of Village - Asoi Lacchi Ram, P.S. - Bhagwanpur, P.O. - Asoi, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Vaishali at Hazipur.
4. Deputy Development Commissioner, Vaishali at Hazipur.
5. Sub- Divisional Officer, Hazipur, District - Vaishali.
6. Block Development Officer, Bhagwanpur, District - Vaishali.
7. The Programme Officer (P.O.) Bhagwanpur, District - Vaishali.
8. The Junior Engineer, Gram Panchayat Raj, Asoi Lacchi Ram, District- Vaishali.
9. Panchayati Rojgar Sevak, Gram Panchayat Raj, Asoi Lacchi Ram, District - Vaishali.
10. Assistant Engineer, Laeo - 1, Hazipur.
11. Senior Account Officer, DRDA, Vaishali.
12. Senior Deputy Collector cum Senior Incharge of Bhagwanpur Prakhhand.
13. Lokpal Manrega, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Shukla

For the Respondent/s : Mr. Krishna Kant Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 11-02-2016 Heard Mr. Gyanendra Kumar Shukla, learned counsel appearing for the petitioner and Mr. Krishna Kant Singh, learned Assisting Counsel to Standing Counsel No.4 for the State.

In this writ petition the petitioner while questioning the recommendation of the District Magistrate, Vaishali under section 18(5) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act'), has also questioned the veracity of the report which was the foundation for such recommendation. When the matter is taken up it is informed by Mr. Shukla that in so far as the recommendation under section 18(5) of 'the Act' is

concerned, he would not be pressing the said relief since the recommendation has been acted upon. It is, further contended by Mr. Shukla that the said report was not only the basis for initiation of the proceeding under section 18(5) of 'the Act' but has also led to institution of criminal proceeding. He, however, fairly admits that the said criminal proceeding would be questioned by the petitioner before the appropriate forum.

The grievance of the petitioner is that the report which is the foundation for the two proceedings aforementioned, is ex-parte and was prepared behind the back of the petitioner without giving him opportunity to present his case.

In the circumstances so discussed where admittedly the two proceedings initiated are pending consideration, in my opinion it would not be proper for this Court to record any opinion thereon at this stage rather would be advisable for the petitioner to raise the veracity of the report on the issues as raised herein in the proceeding so initiated under section 18(5) of 'the Act' as well as for questioning the criminal proceeding so initiated before the appropriate forum concerned.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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