

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1466 of 2015

IN

Civil Writ Jurisdiction Case No. 10370 of 2011

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Santan Singh son of Sri Ram Badan Singh resident of village Pateya, P.O. & P.S.
Madanpur, District Aurangabad, Bihar.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santan Singh (in person)

For the Respondent/s : Mr. H. S. Roy A.C. to PAAG I

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

Date: 13-12-2016

Heard the petitioner appearing in person and learned
counsel for the State.

2. The petitioner alleges disobedience of the order dated
25.09.2012 passed by a Division Bench of this Court in C.W.J.C. No.
10370 of 2011 by which this Court had disposed of the writ petition
with a direction to the State Government to complete the enquiry
initiated by it in the present set of complaints with regard to
implementation and commissioning of scheme under the Mahatma
Gandhi National Rural Employment Guarantee Act and to undertake
corrective measures. The State Government was also directed to
constitute a Committee/Cell to receive the complaints in respect of
the schemes/projects approved under the Act, to investigate and to
take corrective measures, which Committee/Cell was to be
constituted within six months from the date of the order.



3. A show cause has been filed on behalf of Opposite Party Nos. 1 to 5 on 4th of November, 2015 in which it is stated that by order dated 30.01.2013 of the Government of Bihar in the Rural Development Department a State Level Committee has been constituted for the said purpose. It is further stated that the order was also published in the newspaper intimating the public in general that if they desire to file any complaint, the same can be filed before the Officer on Special Duty in the Department of Rural Development and such complaint may also be lodged by telephone or E-mail, copy of which has also been brought on record. The proceedings of the said Committee dated 19.02.2014, 16.12.2014 and 10.06.2015 have also been brought on record. Further a detailed chart of different complaints filed in different districts with the results thereof have also been brought on record.

4. The petitioner submits that the Opposite Parties have not acted in accordance with the directions given by this Court in the impugned order and despite defalcation of huge amount under the different schemes, no proper investigation and enquiry into the complaints have been made by the opposite parties and further submits that this Court should ensure that a large scale enquiry under the monitoring of this Court is held as the opposite parties are not properly looking into the complains.

5. This Court by the order under contempt dated 25.09.2012 had clearly observed that in view of the limited scope of



enquiry under Article 226 of the Constitution and of its own limitations, the High Court or a Court of law would not be able to make thorough enquiry or to regulate or monitor such enquiry and accordingly it issued a direction to the State Government to constitute a high level, wide ranging Committee/Cell including the personnel from the executive, the police, accounts, technical experts, social workers, etc.

6. In our view the statements made in the show cause and the different orders and annexures brought therein does show that the order under contempt has been complied with. The petitioner submits that the recent complaints are not being looked into after they are being received. The matter is required to be gone into by the said Committee. It will be open to the petitioner to file his complaint before the said Committee and the Committee must look into the complaint made by the petitioner, in view of the directions issued by this Court.

7. The contempt application is, accordingly, disposed of.

(Ramesh Kumar Datta, J)

(Arun Kumar, J)

Amin/-

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CAV DATE	
Uploading Date	
Transmission Date	

