

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14121 of 2015

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1. Mazhar Imam son of Late Abdul Majeed
2. Shahid Iqbal son of Late Md. Fariduddin
3. Ehtesham Haidar son of Late Sajjad Ahmad
4. Md. Wali Alam @ Soni Mian son of Late Maqsood Ali alias Nanhoo Mian
5. Ale Ahmad son of Late Amiruddin
6. Jamaluddin son of Late Md. Musa
7. Jalaluddin son of Late Md. Musa
All resident of village- Kanhaipur, Police Station- Mokama, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Sub-Divisional Magistrate, Barh, District- Patna.
3. The Anchaladhikari, Mokama, District- Patna
4. Smt. Ram Peyari devi wife of Balmiki Pd. Singh
5. Balmiki Pd. Singh son of Late Kamo Singh
6. Umashankar Singh
7. Vyasdeo Kumar Singh Both sons of Balmiki Singh
8. Murari Yadav son of late Baleshwar Yadav
All Resident of village- Kanhaipur Tola Ganga Pd, Police Station- Mokama, District- Patna.
9. District Magistrate, Patna
10. Senior Superintendent of Police, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghib Ahsan, Sr. Advocate
For the Sate : Mr. Sanjay Kumar Giri, GP 9
For the Pvt. Respondents : Mr. Satendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-12-2016

Heard learned counsel for the parties.

The grievance of the petitioner was that despite there being an order for fencing the graveyard in question by the State authorities, the Anchal Adhikari had, by order dated 14.05.2015, unnecessarily interfered in the matter by recommending that plots no.



1360, 1361 and 1363 be left out from the said exercise.

Counter and supplementary counter affidavit have been filed on behalf of respondents no. 2, 3 and 9 and the stand is that the order dated 14.05.2015 of the Anchal Adhikari not being proper, has been withdrawn and the amount for fencing the graveyard has been approved, and the process has been initiated which was likely to be completed within three months. It has also been brought on record that the then Anchal Adhikari, Mokama, who was the author of the order dated 14.05.2015 having been found to have passed an order which was not proper, charges have been framed against him and recommendation made to the Revenue and Land Reforms Department for taking appropriate action. It has further been stated that needful action for fencing the work shall be taken so that the same is completed at earliest. The Court deems it appropriate to record the relevant portion of the supplementary counter affidavit:

“8. That it has been submitted earlier that the then Circle Officer, Mokama has exceeded the jurisdiction while passing the impugned order dated 14.05.2016 and also not consulted his seniors before passing the aforesaid order. Hence, the D.C.L.R., Barh has recommended to frame Prapatra-Ka against the then Circle Officer, Mokama.

9. that the order dated 14.05.2016 passed by the then Circle Officer, Mokama has been cancelled and withdrawn vide moemo no. 1588 dated 15.12.2016 in light of the order issued by Respondent No. 3 i.e. the S.D.M.,



Barh.

10. That in view of the aforesaid facts the District Magistrate Patna has Prapatra-ka against the then Circle Officer, Mokama for acting against the provisions contained under the Government Servant Conduct Rules, dereliction of duty, carelessness and indiscipline and vide letter no. 3247 dated 21.12.2016 has send to the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna for taking needful action in the aforesaid matter.

A copy of Letter no. 3247 dated 21.12.2016 is annexed herewith and marked as annexure-D

11. That it is pertinent to state that the Executive Engineer, Local Area Engineering Organization, work Division-1, Patna Vide Letter no. 2117 dated 20.12.2016 to the Deputy Development Commissioner, Patna with regard to fencing of the Kanhaipur, Kabristan 01 and 02. It has been stated in the aforesaid report dated 20.12.2016 that administrative approval for an amount of Rs. 60,20,000/- (Sixty lacs twenty thousand) has been received. It has also been mentioned that it will take about three months time for completing the fencing work after taking administrative approval with regard to the revised estimate.

A copy of the aforesaid letter dated 20.12.2016 and joint report dated 20.12.2016 are annexed here and marked as annexure-E series.

12. The Deputy Development Commissioner, Patna vide memo no. 2607 dated 21.12.16 has directed the Executive Engineer, Local Area Engineering Organization, work division-1, Patna to sent the revised estimate within



three days so that administrative approval along with work order is issued at the earlier.

A copy of the aforesaid letter no. 2607 dated 21.12.2016 is annexed and marked as annexure-F

13. That it is apparent from the aforesaid facts that the Respondents have taken needful action in the aforesaid matter in light of the order passed by this Hon'ble Court.

14. That the respondents will further take needful action so that the fencing work of the aforesaid Kabristan is completed at the earliest."

In view of the aforesaid, no further direction is required by the Court in the matter and accordingly, the writ petition stands disposed off with the observation that the authorities, in view of the undertaking given, as recorded above, on oath by way of an affidavit in the present proceeding, shall ensure that the same is faithfully discharged and matters taken to their logical conclusion.

(Ahsanuddin Amanullah, J)

Anjani/-

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