

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6058 of 2016

1. Yugal Kishore Prasad, son of Late Ram Chandra Prasad, resident of Janki Asthan, ward No.7, P.O.+P.S.+District- Sitamarhi.
2. Irshad Alam, son of Md. Saffi, resident of Janki Asthan, Raian Colony, Ward No.6, P.O.+P.S.+District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Vigilance Department, Government of Bihar, Patna.
4. The District Magistrate, Sitamarhi.
5. The Additional Collector, Sitamarhi.
6. The Sitamarhi Municipality through its Executive Officer, Sitamarhi.
7. The Executive Officer, Sitamarhi Municipality.
8. Suvansh Rai, son of Sri Ramdeo Rai, Chairman Sitamarhi Municipality.
9. Parvesh Rai, son of Sri Ramdeo Rai, both resident of Yadav Nagar, Riga Road, Ward No.1, P.O.+P.S.+District- Sitamarhi.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 22-07-2016

Heard Mr. Pandey for the petitioner and Mr. S.K.

Thakur for the private respondents.

No one has appeared on behalf of the State.

The petitioners are the Ward Councilor and Vice-Chairman, respectively of Sitamarhi Municipality. They raise an issue against respondent nos. 8 and 9 for their misconduct in managing the affairs of the Municipality. It is stated that an application/representation under section 25 (5) of the Bihar Municipal Act, 2007 (for short 'the Act') has been filed before the respondent Principal Secretary, Urban Development Department, Govt. of Bihar, Patna which has not yet been



considered/examined by the said respondent. The writ petitioners would be satisfied if the said respondent no.2 is directed to consider the pending application/representation for taking punitive action against the private respondents. Relying on an order dated 22.06.2016 passed by a Division Bench of this Court in LPA No. 2294 of 2015 (Amrawati Devi vs. State of Bihar & Ors.), it has been submitted that respondent Principal Secretary is empowered to entertain such application and proceed thereon.

Mr. Thakur has, however, submitted that the respondent has acted as per the resolution of the Empowered Committee. For ulterior reason, the writ application has been filed. He is, however, not in a position to dispute that any such grievance application can be filed against the private respondents under the relevant provision of the Act for consideration by the competent/appropriate authority.

It has been submitted by Mr. Pandey that diverse representations/applications have been filed before the Principal Secretary (respondent no.2) which have hitherto not been considered by him.

Considering the facts and circumstances of the case, I dispose of the writ application by permitting the petitioner to file a fresh application/representation before the Principal Secretary (respondent no.2) within 04 weeks whereafter the respondent no.2 shall proceed to examine the said application and take appropriate decision in accordance with law as quickly as

possible preferably within 02 months from the date of receipt/production of a copy of this order.

(Kishore Kumar Mandal, J)

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