

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13282 of 2013

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Mohamad Mahboob Aalam Son of Late Ali Hussain, resident of village - Par
Nawada, Mogla Khar, P.O.- Bundelkhand, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Magadh Division, Gaya
3. The District Magistrate, Nawada
4. The Addl. Collector, Dist.- Nawada
5. The Block Development Officer, Narhat, Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh
For the Respondent/s : Mr. Anjani Kumar, AAG-4 and
Mr. Sanjay Kumar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-11-2016

In the present case, the petitioner has sought relief that
Rs. 58,000/-be returned to him along with the interest since the same was
deposited by him under some confusion while he was holding the charge of
Nazir, Nazarat at Narhat Block.

As per the claim of the petitioner, he was posted as Nazir,
Narhat Block, District Nawada, he was responsible for all the accounts and
as there was a shortage of Rs. 58,000/- in the account of Allahabad Bank,
Narhat Branch of the Nazarat in the year 2005, he deposited the same from
his own pocket after securing loan, but he was transferred in the year 2006
and he gave charge to one Rajendra Prasad. When the passbook was
updated by the Department in the year 2007, it transpired that the excess
amount of Rs. 58,000/- was standing in the Bank account. When the



petitioner could know about the aforesaid fact, he filed a representation dated 17.10.2007 to the Block Development Officer, Narhat, giving details of the fact and requested for return of the amount of Rs. 58,000/-. Thereafter, he also filed a representation to the District Magistrate, Nawada on 31.10.2007, reiterated his claim whereupon the District Magistrate addressed a letter to the Block Development Officer dated 12.12.2007 to examine the matter and give him a report.

The Additional District Magistrate, District Nazarat, Nawada, vide letter no. 370 dated 20.08.2008 addressed a letter to the Block Development Officer, Narhat to send a report on the representation of the petitioner about the excess amount deposited by him. Again the Additional District Magistrate, District Nazarat, vide letter dated 12.11.2008, reiterated and demanded the report from the Block Development Officer. The Secretary of the Commissioner has also addressed a letter no. 4070 dated 1st November 2008 to District Magistrate, Nawada asking him to examine the matter and inform him accordingly.

The District Magistrate, Nawada again, vide letter no. 312 dated 12.05.2010 addressed to the Block Development Officer, asked him to examine the matter within a week and submit a detailed report.

As per the claim of the petitioner, nothing happened which compelled him to file the present application.

In the counter affidavit it has been stated that in view of pendency of this writ application, the matter was referred for enquiry to the District Accounts Officer, who after examining the details of the fact, has

pointed that Sri Sachchidanand was handed over a cheque of Rs. 11,192/- but by mistake, the Bank has credited as amount of Rs. 1,11,192/- and later on, the mistake was rectified and as such, the question of deposition of Rs. 58,000/- does not arise and so much so that the petitioner could not produce any material to show that he had deposited Rs. 58,000/-, in such circumstances, he recorded the finding that the claim of the petitioner for returning of Rs. 58,000/- is completely misconceived, illegal and not sustainable, as there is no reply to the counter affidavit from the petitioner and the report shows that even after the notice, he could not produce any material of having deposited Rs. 58,000/- in the bank.

In such view of the matter, this petition is, accordingly, dismissed. If the petitioner still feels that he has wrongly been deprived of Rs. 58,000/- in the Bank, he will have liberty to take legal course as available in law.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29/11/2016
Transmission Date	