

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21241 of 2011

Rupesh Kumar Pandey S/O Late Baidyanath Pandey Resident Of Mohalla-
Belbanwa, Station Road, Ward No.23 Of Motihari Nagar Parishad, P.S- Town
Thana At Motihari, District- East Champaran-845401.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Govt. Of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Urban Development And Housing Department, Govt. Of Bihar, Patna.
3. The District Magistrate At Motihar, East Champaran.
4. The Executive Officer, Nagar Parishad At Motihari, District- East Champaran.
5. The Sub- Divisional Officer, Sadar At Motihar, East Champaran.
6. The Anchaladhikari, Pipra Kothi, Motihari, East Champaran.
7. The Junior Engineer, Nagar Parishad At Motihari, East Champaran.
8. The Work Contractor Mr.Vijay Kumar Gupta S/O Narad Sah Resident Of Mohalla- Chota Bariarpur (Near Chini Mill), Ward No.,38, Nagar Parishad At Motihari, East Champaran.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. PREM KUMAR JHA
Mr. SHIV NARAYN JHA
Mr. MUKESH MISHRA
Mr. RAJESH KUMAR JHA

For the Respondent/s : Mr. PRABHAT KUMAR, Adv,

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 14-03-2016

Heard Mr. Prem Kumar Jha, the counsel for the petitioner
and Mr. Prabhat Kumar, the counsel for the respondents.

Although, indulgence was granted to the State but no
counter affidavit has been filed. Mr. Jha informs the Court that even
after service of notice on the Executive Officer, Nagar Parishad at
Motihari, (respondent no. 4), no one appeared on his behalf.



Under scheme no. 19 of the respondent-Nagar Parishad, a road was to be constructed upto the house of Awadhesh Singh. A tender notice dated 06.05.2011 (Annexure-1) was issued. The total estimated/sanctioned amount for the said scheme was Rs. 8,12,900/-. Precisely, the grievance is that although the payments have been made to the agency but the road has not been laid/constructed. The petitioner claims himself a resident of the area where the said road is to be laid under scheme no. 19. It is stated that on a petition filed in this regard, the District Magistrate made some enquiry, but no action was actually taken. The counsel states that the petitioner be granted a liberty to move the respondent-District Magistrate again, who may be directed to examine the grievance of the petitioner and take appropriate decision and/or pass appropriate order and bring the issue to its logical conclusion. If need be, the District Magistrate may also recommend to the Government in the concerned Department for appropriate orders/action against the persons/officers, if found at fault.

The counsel for the State having appreciated the stand has not objected to disposal of the matter in the aforesaid terms.

The writ application stands disposed of permitting the petitioner to raise a grievance as raised herein before the respondent-District Magistrate, East Champaran at Motihari, along with all

documents in his possession, whereafter the said respondent will enquire into the matter and/or cause an enquiry to be made in the matter, if deemed necessary, and take appropriate decision or pass appropriate order, as the case may, be in accordance with law as quickly as possible preferably within eight weeks from the date of such filing of the application along with a copy of the present order.

(Kishore Kumar Mandal, J)

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