

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25233 of 2013

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1. Raghunath Sah S/O Hiralal Sah Resident Of Village- Dhanpura, P.S-
Agiaon Bazar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State Of Bihar through The Chief Secretary, Govt. Of Bihar, Patna.
2. The Chief Secretary, Government Of Bihar.
3. The Principal Secretary, Rural Development Department, Government Of Bihar.
4. The District Magistrate, Bhojpur, Ara.
5. The D.D.C. Bhojpur, Ara.
6. The B.D.O. Piro, Bhojpur, Ara.
7. The Mukhiya, Gram Panchayat, Kothua, Block- Piro, Bhojpur At Ara
8. The Panchayat Secretary, Gram Panchayat, Kothua, Block- Piro, Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Respondent/s : Mr. Kinkar Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 19-07-2016 Heard Mr. Prabhat Kumar Singh for the petitioner and

Mr. Kinkar Kumar for the State.

It is stated that in the matter of allotment of Indira Awas, the respondent(s) have committed profuse illegalities inasmuch as the seniority list prepared for such allotment has been breached at will. The persons who were entitled to grant of such Indira Awas were ignored and other persons were picked up. To illustrate the illegalities committed by the respondent(s) in the allotment of such Indira Awas, the petitioner has stated as

under in paragraph 15 and 16:

“ 15. That breaking the seniority list of Indira Awas prepared during 2009-2010 in General Category Hare Ram Prasad (Serial No. 37), Buddha Ram Yadav (Serial No. 45), Chetan Singh (Serial No. 43), Dhanji Chaudhary (Serial No. 58), Yamuna Yadav (Serial No. 62), Munni Chaudhary (Serial No. 74), Sanjay Chaudhary (Serial No. 75), Hardev Singh (Serial No. 78), Pramod Chaudhary (Serial No. 82), Ram Ekbal Chaudhary (Serial No. 90), Madhusudan Chaudhary (Serial No. 99), Madhusudan yadav (Serial No. 106) were allotted Indira Awas breaking the serial number whereas Sradhan Yadav (Serial No. 56), Shiv Kumar Singh (Serial No. 57), Raghunath Sah (Serial No. 69), Upendra Sah (Serial No. 71), Manoj Singh (Serial No. 79) were not granted Indira Awas ignoring their bona fide and reasonable claim.

16. The above noted pick and choose method goes to prove that respondent authorities have completely committed bungling and fraud in the matter of allotment of Indira Awas to the beneficiaries and even those who had their own pucca house were also allotted Indira Awas by the B.D.P. in 2012-2013.”

It is stated that the petitioner was also an applicant and figured at Serial No. 69 of the seniority list prepared by the respondent(s). However, the petitioner is unable to explain under which provision or the guidelines of the Government, the seniority list is prepared by the respondent(s) and they are obliged to adhere thereto. Any such grievance ought to have

been raised before the Authorities for consideration in accordance with law. It is stated that the respondent-District Magistrate being the head of the district is entitled to consider the grievance of the petitioner.

The counsel for the State is not in a position to dispute the said contention of the petitioner.

Considering the facts and circumstances of the case, I am satisfied, the writ application deserves to be disposed of enabling the petitioner to raise the grievance as raised in the writ application before the respondent-District Magistrate for consideration and/or passing appropriate order in accordance with law.

Mr. Singh states that such application/representation shall be filed within four weeks. If any such application is filed, the same shall receive due consideration and disposal without much delay by the respondent-District Magistrate.

(Kishore Kumar Mandal, J)

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