

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17765 of 2015

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Brij Nandan Prasad, Son of Sarju Prasad, resident of Village-Pokharaha, P.O.-Pakari Guriya, P.S.-Imamganj, District-Gaya.

.... Petitioner

Versus

1. The State of Bihar.
2. Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. District Magistrate, Gaya.
4. Deputy Development Commissioner, Gaya.
5. The District Panchayat Raj Officer, Gaya.
6. Block Development Officer, Imamganj, Gaya.
7. The Block Panchayat Officer, Imamganj, District Gaya.
8. Manoj Kumar, Son of Somar Bhuiya @ Krit Bhiya, resident of Village-Kaiwal, P.O.-Pakari Guriya, P.S.-Imamganj, District-Gaya, at Present Mukhiya of Pakari Guriya Gram Panchayat, Block-Imamganj, District-Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Birendra Kumar Singh, Advocate

For the State : Mr. Ashok Kumar Keshri, AAG-11

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 22-01-2016

Heard Mr. Birendra Kumar Singh, learned Counsel, appearing on behalf of the petitioner, and Mr. Ashok Kumar Keshri, learned Additional Advocate General No.-11, appearing on behalf of the respondents-State of Bihar.

2. This writ application, under Article 226 of the Constitution of India, in the nature of Public Interest Litigation, has been filed seeking a direction to the concerned authorities to take steps for audit of the accounts of Gram Panchayat Raj, Pakari Guriya, as contemplated under Section 31 (1) (2) of the Panchayat Raj Act, 2006 and proceed against erring persons, involved in misappropriation of public money.

3. In order to maintain this application, as Public Interest Litigation, statements have been made in paragraphs-3 & 4 of the application that the petitioner has no direct or indirect personal interest in filing the application and he is merely a social worker. However, from the materials available on the record, we find that petitioner is the *Up-Pramukh* of Prakhand-Imamganj, which fact has also been admitted by learned counsel, appearing on behalf of the petitioner, in response to a query made by us. In our opinion, the conduct of the petitioner, to this effect, amounts to suppression of material fact.

4. A counter affidavit has been filed on behalf of respondent Nos.3 to 6, bringing on record, a communication, dated 14.11.2015 (Annexure-D to the counter affidavit), written by the District Panchayat Raj Officer, Gaya, addressed to the Sub-Divisional Officer, Sherghati, Gaya, for looking into the grievances raised by the villagers of Gram Panchayat, Pakari Guriya.

5. In view of the facts and circumstances, noted above, we do not feel inclined to entertain this application in the nature of Public Interest Litigation.

6. This application stands dismissed accordingly.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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