

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19005 of 2016

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Sunil Shahi, Son of Sri Ram Lakshan Shahi, resident of village Shahwajpur,
P.O. Bhikhanpur, P.S. Ahiyapur, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary-cum-Agriculture Production, Commissioner, Department of Agriculture, Government of Bihar, Main Secretariat, Patna.
3. The Director of Agriculture, Department of Agriculture, Government of Bihar, Main Secretariat, Patna.
4. Director of Horticulture, Department of Agriculture, Government of Bihar, Main Secretariat, Patna.
5. The Commissioner, Tirhut Division, Muzaffarpur.
6. The District Magistrate, Muzaffarpur.
7. The Joint Director of Agriculture, Tirhut Division, Muzaffarpur.
8. Assistant Director, Horticulture, Muzaffarpur.
9. The District Horticulture Officer, Muzaffarpur.
10. The District Agriculture Officer, Muzaffarpur.
11. The District Supply Officer, Muzaffarpur.
12. The Sub Divisional Officer, East Muzaffarpur.
13. The Block Development Officer, Mushahari, Muzaffarpur.
14. The Circle Officer, Muzaffarpur.
15. Uma Shankar Prasad Singh son of late Jodhan Singh resident of village Chakganj, P.S. Ahiyapur, District Muzaffarpur, Ex-Mukhiya (2001 to 2006) of Gram Panchayat Raj Shahwajpur, P.S. Ahiyapur, Block Mushahari, District Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate
For the Respondent/s : Mr. Gajendra Prasad Yadav- SC17

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 23-03-2018 In the implementation of various beneficial schemes in the district in question, irregularities were committed and when a complaint case was filed before the Special Judge, Muzaffarpur in Complaint Case No.43 of 2011, Annexure-8, reports were called for from the Special Judge and when nothing was done,



this writ petition has been filed in public interest.

Even though respondent No.8, the Assistant Director, Horticulture, Muzaffarpur, by filing a counter affidavit has indicated that with regard to irregularities committed, he has looked into the matter, excess payment made has been recovered and deposited in the Government account, the fact remains that with regard to irregularities conducted, an enquiry is pending on the complaint made by the petitioner before the Special Judge, Muzaffarpur, as is evident from Annexure-8 and further evident from the fact that the Special Judge has called for report from the Superintendent of Police and the District Magistrate and nothing has been done to apprise the Special Judge where the matter is pending with regard to the action taken by the authorities concerned.

Keeping in view the aforesaid aspects of the matter, we direct the District Magistrate, Muzaffarpur, respondent no.6, and the Superintendent of Police of the district in question to take note of the communication received or the directions issued by the Special Judge and cooperate in disposal of the complaint case by submitting their reports or information, as is called for by the Special Judge, within a reasonable period of time. In case, the Special Judge has any difficulty in disposal of the



matter and it is the complaint of the Special Judge that the District Magistrate or the Superintendent of Police is not co-operative in disposal of the matter, he shall be at liberty to bring the same to the notice of the Registrar General of the Court who shall inform this Court about the complaint made by the Special Judge and this Court would consider taking action in the matter. For the present, directing the District Magistrate and the Superintendent of Police to co-operate in furnishing the information and reports to the Special Judge, we dispose of the matter.

Needless to emphasise that we have not gone into the merits of the allegations made with regard to irregularities and have not expressed any opinion on the same. It is exclusively for the Special Judge before whom the matter is pending to proceed in accordance with law.

With the aforesaid, the matter stands disposed of.

(Rajendra Menon, CJ)

(S. Kumar, J)

Sunil/-

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