

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7179 of 2016

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Dharmendra Kumar Son of Sri Balmukund Ram, resident of Moh.- Anugrah
Narayan Road, P.S.- Kotwali, District- Gaya

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
2. The Principal Secretary, Department of Urban Development and Housing, Government of Bihar, Patna
3. The Municipal Commissioner, Gaya Municipal Corporation, Gaya
4. The District Collector, District- Gaya
5. The Deputy Collector Land Reform, Sadar, Gaya
6. The Circle officer, Town Block, Gaya
7. The Additional Survey Superintendent, Gaya

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate.

For the Respondent/s : Mr. S.D. Yadav, AAG-IX

For the Corporation : Mr. Rabindra Kumar Priyadarshi, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 12-05-2017

The petitioner's complaint in this Public Interest Litigation is with regard to illegality and misappropriation committed in Gaya municipality by a corporator and another authority.

It seems that the applicant has filed certain complaints vide Annexure-1 to the Deputy Secretary, Department of Revenue and Land Reforms and even after certain observations made by the said authority, when no inquiry was conducted, the matter has been placed before us in the form of this Public Interest Litigation. If there is misappropriation or misuse of fund by the elected authority or the



municipal corporation and if the departmental authorities are not taking any action in the matter, the petitioner has a remedy of approaching the Chief Vigilance Authority of the state of Bihar, like the Lokayukt organization, where statutory complaint can be filed by the petitioner, in an appropriate statutory form along with affidavit, documents etc and the Lokayukt organization is well authorized under law to cause an inquiry, as a remedy is available to the petitioner and a statutory system for causing inquiry into such allegations is in place and functional in the State.

In the present circumstances, it is not appropriate for this court to go into various aspects of the matter. The petitioner may file a statutory complaint before the Lokayukt organization and we are confident that the Lokayukt authority shall look into the matter.

With the aforesaid liberty to the petitioner, the present petition is disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17-05-2017
Transmission Date	NA

