

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.772 of 2016

In
Civil Writ Jurisdiction Case No.10121 of 2013

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Tirhut Samagra Vikas Parishad through its Secretary, Baban Kumar Mishra
son of Late Dr. Parmeshwar Mishra, At + P.O.- Saidpur, Via- Pusa, Police
Station- Pusa, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
3. The Project Director, D.P.A.P., Department of Rural Development, Government of Bihar, Patna.
4. The D.M. Muzaffarpur.
5. The Deputy Development Commissioner-cum-Chief Executive Officer, District Rural Development Authority, Muzaffarpur.
6. The Block Development Officer- cum- chief Executive Officer, Panchayat Samiti, Musahari, Muzaffarpur.
7. The Union of India through the Secretary, Department of Land Resources, Ministry of Rural Development, New Delhi.
8. The Joint Secretary, Department of Land Resources, Ministry of Rural Development, New Delhi.
9. The Pay and Accounts Officer, Department of Land Resources, Ministry of Rural Development, Krishi Bhawan, New Delhi.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Satya Narayan Mishra
For the State	:	Mr. Alok Kumar Rahi
For the Union of India	:	Mr Rajesh Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

14 07-11-2017 Heard counsel for the appellant and counsel for the respondents.

If it is a case of embezzlement by the certain authorities of the fund, which was required to be made over to the appellant, this is a good ground not to exercise power under Article 226 of



the Constitution of India, for a direction to make payments. The appellant has full freedom to invoke the law, may be forum of a criminal court or a civil court, as the case may be.

The learned Single Judge has committed no error by refusing to exercise power under summary proceeding in a dispute of such nature.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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