

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7730 of 2016

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1. Raushan Kumar Son of Late Siya Ram Jha resident of Mohalla - Barah Pathar,
Ward No. 14, Samastipur, P.S. Samastipur, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Bihar, Patna
2. The Principal Secretary, Urban Development and Housing Department, Bihar,
Patna
3. The District Magistrate, Distt. Samastipur
4. The Sub Divisional officer, Samastipur, District Samastipur
5. The Executive Officer, Nagar Parishad, Samastipur, District Samastipur
6. The Chief Councillor, Nagar Parishad Samastipur, District Samastipur
7. The Deputy Chief Councilor, Naga Parishad, Samastipur, District Samastipur
8. The Nagar Parishad, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate

For the Respondent/s : Mr. Anjani Kumar- AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-07-2017

Inter alia contending that there has been
misappropriate of income, particularly pertaining to collection of toll
tax within the jurisdiction of Nagar Parishad, Samastipur, by certain
officers by awarding contract and collecting toll at a lower rate than
the one notified, this writ petition has been filed in public interest
seeking indulgence into the matter and causing an enquiry into the
alleged financial irregularity.



Shri Anjani Kumar, learned counsel appearing for the State Government, invites our attention to certain pleadings made in para Nos.13 and 14 to say that the petitioner himself asserts to have received the contract for collection of toll tax and, thus, the petitioner being an interested person, this petition at the instance of the petitioner is not maintainable. However, learned counsel for the petitioner made an oral prayer to say that the petitioner is not an interested person, no contract has been awarded to him and the description of the petitioner appearing in para 13 in this regard is a typographical error.

Be that as it may, having considered the submissions, we find that the matter pertains to financial irregularities committed by the statutory authority and for the said purpose statutory vigilance organization is functional in the State of Bihar and the Lokayukta is empowered under law to cause an enquiry into such issues and take action as may be permissible in law. That being so, as the petitioner has a statutory remedy of approaching the vigilance authorities such as the Lokayukta or the other agency, it is not appropriate for this Court to go into the issues. Liberty shall be available to the petitioner to make a proper complaint to the Lokyukta and it would be for the Lokayukta to look into the grievance of the petitioner and proceed in



accordance with law.

With the aforesaid liberty, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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