

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6363 of 2017

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Arvind Prasad Sah, Son of Sri Madan Prasad Sah, Resident of Harpur, P.O. + P.S. + Panchayat, Harpur, District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Rural Development Department, Government of India.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Muzaffarpur.
5. The District Magistrate, East Champaran, Motihari.
6. The Deputy Development Commissioner, East Champaran, Motihari.
7. The Block Development Officer, Adapur, East Champaran, Motihari.
8. The Circle Officer, Adapur, East Champaran, Motihari.
9. The Village House Assistant Block- Adapur, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-11-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs:

“i) For a direction upon the respondents authorities to produce a copy of the list of beneficiaries of all the fourteen Gram Panchayats of Adapur Block, District East Champaran Motihari, randomly selected by the Block Development Officer, Adapur Block, District East Champaran Motihari and after production thereof same may be quashed as the respondent Block Development Officer, Adapur Block as he himself admitted that he selected the name of beneficiaries randomly as per the advice of the senior respondents authorities and ignored the priority list provided by the seventeen



Panchayat, duly determined and decided by the concerned Gram Sabha.

The entire list is fit to be quashed as same is in teeth of and in gross violation of the conditions envisaged in Letter No. 276296 dated 24.06.2016 issued by the Rural Development Department, Government of Bihar, Patna, which clearly mandates that the priority list shall be prepared/determined only by the Gram Sabha of the concerned Gram Panchayat.

ii) For any other relief/reliefs for which petitioner may be deemed entitled too.”

3. The basic contention of the petitioner is that without following the guideline issued by the Rural Development Department, Government of Bihar, Patna contained in Letter No. 276296 dated 24.06.2016, the final priority list of beneficiaries of *Pradhan Mantri Awas Yojna (Gramin)* has been done.

4. Learned counsel for the petitioner submitted that before preparation of the final priority list, there are intermediary steps and at such level objections are to be received so that there is no discrepancy and only genuine persons get such benefit, but in the present case, the same has not been done resulting in many errors, including inclusion of persons, who are dead.

5. Learned counsel for the State, on the basis of the materials brought on record in the counter affidavit and supplementary counter affidavit, submitted that the petitioner is the elected *Mukhiya* of Gram Panchayat Raj Harpur, under Adapur



Block in the district of East Champaran and in that capacity, he has signed on the auto/system generated final selection list of the year 2016-17 for the beneficiaries prepared under the aforesaid scheme, which has also been approved by the Gram Sabha in his presence, and thus, he cannot now raise questions about the same.

6. Having considered the matter, the Court does not find any occasion to interfere in the matter on the simple ground that once the petitioner has agreed to the final selection list of beneficiaries, he cannot raise a plea that the intermediary process, prior to finalization of the final selection list, has not been followed. The petitioner stands estopped from raising such issue as he himself has signed on the final selected list and once the same has been done, it is deemed in law that he has not objected and rather has consented to/approved of the procedure, which was required to be gone into prior to issuance of the final selection list.

7. In view thereof, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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