

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10396 of 2016

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1. Saryug Prasad son of late Janak Sao Resident of Ward No. 9, Nagar Panchayat, Naubatpur, P.O and P.S. Naubatpur, District Patna.
 2. Nilam Devi Wife of Hari Nandan Sharma Resident of Ward No. 11, Nagar Panchayat, Naubatpur, P.O and P.S. Naubatpur, District Patna.
 3. Ruby Begum Wife of Md. Wakil Resident of Ward No. 14, Nagar Panchayat, Naubatpur, P.O and P.S. Naubatpur, District Patna.
 4. Mani Devi Wife of Bhukhlu Ram Resident of Ward No. 13, Nagar Panchayat, Naubatpur, P.O and P.S. Naubatpur, District Patna.
 5. Punam Devi Wife of Punay Ram Resident of Ward No. 13, Nagar Panchayat, Naubatpur, P.O and P.S. Naubatpur, District Patna.
 6. Bhagwati Devi wife of Mantu Sao Resident of Ward No. 13, Nagar Panchayat, Naubatpur, P.O and P.S. Naubatpur, District Patna.
 7. Shakuntala Devi Wife of Ramdayal Sao Resident of Ward No. 11, Nagar Panchayat, Naubatpur, P.O and P.S. Naubatpur, District Patna.
 8. Shakuntala Devi Wife of Rajendra Chaudhary Resident of Ward No. 11, Nagar Panchayat, Naubatpur, P.O and P.S. Naubatpur, District Patna.
 9. Sumanti Devi wife of Yogendra Chaudhary Resident of Ward No. 11, Nagar Panchayat, Naubatpur, P.O and P.S.- Naubatpur, District Patna.
 10. Urmila Devi Wife of Manoj Kumar Shakti Resident of Ward No. 11, Nagar Panchayat, Naubatpur, P.O and P.S.- Naubatpur, District- Patna.
 11. Soni Devi Wife of Ganauri Kumar Resident of Ward No. 9, Nagar Panchayat, Naubatpur, P.O and P.S.- Naubatpur, District -Patna.
 12. Fulwanti Devi Wife of Bangali Prasad Resident of Ward No. 10, Nagar Panchayat, Naubatpur, P.O and P.S. Naubatpur, District Patna.
 13. Mehru Nisha Wife of Nasir Mian Resident of Ward No. 14, Nagar Panchayat, Naubatpur, P.O and P.S.- Naubatpur, District- Patna.
 14. Renu Devi wife of Chandrabhanu Prasad Resident of Ward No. 15, Nagar Panchayat, Naubatpur, P.O and P.S.- Naubatpur, District- Patna.
 15. Kusum Devi Wife of Jitendra Kumar Resident of Ward No. 14, Nagar Panchayat, Naubatpur, P.O and P.S.- Naubatpur, District- Patna.
 16. Babita Devi Wife of Sanjay Kumar Resident of Ward No. 11, Nagar Panchayat, Naubatpur, P.O and P.S.- Naubatpur, District- Patna.



17. Nuraida Khatoon wife of Md. Aslam Ansari @ Aslam Mian, Resident of Ward No. 14, Nagar Panchayat, Naubatpur, P.O and P.S.- Naubatpur, District- Patna.

18. Lajwanti Devi, wife of Bhuneshwar Ram, Resident of Ward No. 13, Nagar Panchayat, Naubatpur, P.O and P.S.- Naubatpur, District- Patna.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.

2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.

3. The District Magistrate, Patna District -Patna.

4. The Senior Deputy Collector, Patna, District- Patna.

5. The Executive Officer, Nagar Panchayat , Naubatpur, District- Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Manglam, Advocate

For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

Mr. Gopal Krishna, AC to GA-7

For the Nagar Panchayat : Mr. Gopal Govind Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 08-01-2018

The order dated 15.07.2016 passed by this Court
reads as under:-

“Reg: CWJC No.10396 of 2016 with I.A.
No.5302 of 2016

Let a copy of the interlocutory application be
served on the State counsel.

An enquiry was conducted into some alleged



irregularities that was committed in the grant of financial aid under the Integrated Housing Slum Development Programme, a copy of which is placed at Annexure-6 and 7. Following the enquiry, the Principal Secretary vide his order dated 16.3.2016, directed the Executive Officer of the Municipality for taking necessary action against such of the beneficiaries who though were not found entitled to the benefits under the Scheme but have received the same. Notices were sent to these petitioners which are enclosed at Annexure-9 series. The petitioner responded to the show cause and which has been rejected by the Executive Officer by terming it to be unsatisfactory. The petitioners have been directed to deposit the amount along with interest, failing which legal proceedings would be initiated against them. Since the order passed by the Executive Officer dated 29.6.2016 addressed to the petitioner no.2 does not discuss the reason for rejecting the explanation advanced by the petitioners, let a counter affidavit be filed by the State Counsel as to how these 18 petitioners were found ineligible to the benefit.

Let notice be issued to the respondent no.5 for which requisites under ordinary process as well as registered cover with A/D be filed within one week, failing which this application as against the concerned respondent shall stand dismissed without further reference to the Bench.



Put up after service of notice under the heading 'For orders' for fixing the date of hearing in the admission matter.

Pending return of the notice, the action proposed by the Executive Officer as reflecting from his order dated 29.6.2016, a copy of which has been placed on record at Annexure-10 to the interlocutory application addressed to the petitioner no.2 and similar notices to the other petitioners shall remain stayed”.

2. Subsequently, vide order dated 06.12.2017, the Executive Officer, Nagar Panchayat, Naubatpur was directed to produce the original record in connection with Notice No.614 dated 29.06.2016. The Executive Officer, Nagar Panchayat, Naubatpur is present before the Court. He has produced the original record of all the beneficiaries of Integrated Housing Slum Development Programme (Samekit Aawas Malin Basti Karyakram).

3. After going through the original record, learned counsel appearing for the respondent no.5 admitted that a mechanical order has been passed in case of the petitioners and no reason has been assigned for rejecting the contention of the petitioners after the submission of the show cause reply.

4. In that view of the matter, the order dated 29.06.2016 as contained in Annexure-10 to the interlocutory



application vide I.A. No.5302 of 2016 and the similar orders in respect of the other petitioners cannot be sustained. Accordingly, they are set aside.

5. It is apparent from the perusal of the original record that all the petitioner beneficiaries under the scheme have filed their respective show causes pursuant to the issuance of notice by the Executive Officer. The Executive Officer, Nagar Panchayat, Naubatpur is directed to look into the individual causes shown by the petitioner beneficiaries and pass a reasoned order in their cases within fifteen days from today.

6. With the aforesaid observation and direction, the writ petition stands disposed of.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.01.2018
Transmission Date	NA

