

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16693 of 2016

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Ajit Kumar Singh son of Upendra Narayan singh, C/o Sri Rana Pratap Singh
Resident of Gali No. 3, Manik Sarkar, Ghat Road, Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, State of Bihar, patna
3. The principal Secretary, Department of Urban Development and Housing,
Govt. of Bihar, Patna
4. The District Magistrate, Bhagalpur
5. The Executive Engineer, District Urban Development Agency, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Arvind Kumar, Advocate.

For the Respondents : Mr. Yogendra Prasad Sinha- Aag7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-09-2018

By this Public Interest Litigation petition, the
petitioner has prayed for the following reliefs:-

*"i. For quashing the letter no. 2B/08-104/2015-3837 dated 16.06.2016 (annexure - *) issued under the signature of Principal Secretary, Urban Development and Housing Department Government of Bihar, Patna to the District Magistrate Cum-Chairman, all District Urban Development Agencies, Bihar directing them to make payment as per rule after finishing all the approved projects under Mukhya Mantri Nagar Vikash Yojana to concerned agencies ensuring submission of utility certificate to the department within two months and also to ensure refund of unutilized fund through*



treasury challan to the department after depositing the same to the concerned treasury.

ii. For quashing the order dated 07.05.2016 contained in annexure 6 issued by the District Magistrate, Bhagalpur whereby the District Magistrate, Bhagalpur has directed that Administrative approval and release of first installment could not be made under Mukhya Mantri Nagar Vikash Yojana 2016-17 in view of resolution no. 2B-30.01.2016-1288/Urban dated 25.02.2016 for directing the respondents to allow the unfinished pending – completion approved project under Mukhya Mantri Nagar Vikash Yojana, Bhagalpur accomplished and not to refund unutilized fund to the concerned Treasury against budgetary provision made by the State of Bihar.”

A further supplementary counter affidavit has been filed on behalf of respondent no. 3 in which it is stated that for utilization of 35% of fund, the Principal Secretary, Urban Development and Housing Department Government of Bihar, Patna vide Letter No. 4969 dated 27.07.2017 has already issued necessary guidelines to District Magistrate-Cum-Chairman to all the District Urban Development Agencies to act accordingly.

Considering the said guidelines, it appears that the grievances raised in the present petition will take care of the scheme more particularly the utilization of 35% of fund.

Under such circumstances, the present application stands disposed of in the light of the communication/Letter



No. 4969 dated 27.07.2017 issued by the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

krishna/Shageer

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2018
Transmission Date	12.09.2018

