

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2486 of 2017

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1. Shyam Mishra, Son of Laxmi Mishra, Resident of Village-Aadharpur, P.S.-Ghanshyampur, District-Darbhanga Former Elected as Ward member, Under Grampanchayat Raj Aadharpur, Block-Goraboram, P.S.-Ghanshyampur, District-Darbhanga
 2. Harishankar Mishra, Son of Sri Jata Shankar Mishra, Resident of Village +Post-Aadharpur, P.S.-Ghanshyampur, District-darbhanga Former Up-Mukhiya Under Grampanchayat Raj Aadharpur, Block-Goraboram, P.S.-Ghanshyampur, District-Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Panchayati Raj department, Government of Bihar, Patna
3. The District Magistrate, cum Collector, Darbhanga
4. The Deputy Development Commissioner, darbhanga
5. THE Sub-Divisional Officer, Biraul, Darbhanga
6. The Block Development Officer, Goraboram, District-Darbhanga
7. The Senior Superintendent of Police, Darbhanga
8. The Officer in-Charge of Ghanshyampur, District-darbhanga
9. Smt. Ranju Devi, Wife of Krishnadeo Paswan, Former Mukhiya, Under Grampanchayat Raj Aadharpur, Block-Goraboram, P.S.-Ghanshyampur, District-Darbhanga
10. The Mukhiya Pati namely Krishnadeo Paswan, Under Grampanchayat Raj Aadharpur, Block-Goraboram, P.S.-Ghanshyampur, District-Darbhanga

... .. Respondent/s

Appearance :

For the Petitioners : Mr. Sanjay Kumar, Advocate
Mr. Pankaj Kumar Jha, Advocate
For the Respondents : Mr. Ajay- GA 5.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-09-2018

1. By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs:



I. For Issuance of Writ/Writs, Order/Orders, Direction/Directions in the nature of mandamus directing to the respondents authorities or others independent agencies to conduct the inquiry against the Mukhiya of under Grampanchayat Raj Aadharpur, Block-Goraboram, P.S. -Ghanshyampur, District -Darbhanga, whereby and whereunder the Mukhiya of the Gram Panchayat Raj, Aadharpur misappropriate the huge amount of the government money under different scheme.

II. For issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of mandamus directing the respondents to take action against the respondent no. 9 namely Ranju Devi (former Mukhiya) under section 18(5) of the Bihar Panchayat Raj Act because the respondent no. 9 has not performed her duty according to the law, for which the District Magistrate, Darbhanga has ordered to make inquiry against the respondent no. 9 as the complaint made by the petitioner and others.

III. To direct the respondent no. 7 and 8 to lodged a first information report against the respondent no. 9 and 10 on the basis of application filed by the petitioners.



IV. To grant any other relief/reliefs, order/orders, direction/directions, may deem fit and proper in the facts and circumstances of this case as well as in the law.

2. At the outset, it is required to be noted that earlier the petitioner approached this Court vide C.W.J.C. No. 19606 of 2015 for the same reliefs. However, the writ petition was disposed of with liberty to take recourse to appropriate provisions of law, if so advised, including the lodging of the FIR.

2.1. It is the case of the petitioner, thereafter the petitioner filed a requisition to the Senior Superintendent of Police, Darbhanga on 01.03.2016. However, thereafter the FIR has not been lodged and no further steps are taken.

3. A counter affidavit has been filed on behalf of the respondents and on behalf of the District Magistrate submitting that earlier after holding necessary enquiry, it was found that there is no irregularity. However, the same is disputed by the learned counsel for the petitioner by submitting that in the subsequent report discrepancy has been found.

3.1. In that view of the matter, the learned counsel appearing on behalf of the District Magistrate has stated at the Bar that the District Magistrate shall hold a preliminary enquiry and take appropriate decision after



considering both the reports and thereafter, if it is found that there is any illegality committed and any discrepancy have been found, he will file FIR.

4. In view of the above and the stand taken by the learned counsel appearing on behalf of the District Magistrate recorded in the petition, we dispose of the present application by directing the District Magistrate to act as above and all the exercise will be completed within three months from today. If ultimately, the District Magistrate is of the opinion, after holding the necessary enquiry completed that there is no illegality and there is no discrepancy, in that case the decision may be communicated to the petitioner so that he can avail any other remedy which will be available to him under the law.

5. With this present petition stands disposed of.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2018
Transmission Date	20.09.2018

