

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14129 of 2018

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Sarita Devi wife of Sanjay Prasad, resident of Village- Tehta,
near Gramin Bank, Police Station- Makhdumpur, District-
Jehanabad at presently Mukhia of Purbi Saren Gram Panchayat
under Makhdumpur Block, District- Jehanabad.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Panchayat
Raj Department, Govt. of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The District Panchayat Raj Officer, Jehanabad.
4. The Sub- Divisional Officer, Jehanabad.
5. The Block Development Officer, Makhdumpur, District-
Jehanabad.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
Mr. Anil Kumar Singh, Advocate
For the Respondent/s : Mr. Prabhat Ranjan, AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 24-01-2019

In the present writ application the petitioner
has prayed for the following reliefs:

"I. For issuance of a writ in the nature of
certiorari for quashing the memo no. 956
dated 4.7.2018 (Annexure-13) issued under
the signature of Block Development Officer,
Makhdumpur (Respondent No.5) whereby and
whereunder the petitioner was directed to
deposit the invest amount of Rs. 3207000



(Thirty Two Lakh and Seven Thousand) in the account of Sat Nischay Yojana on the ground that petitioner has violated the guidelines issued by Panchayati Raj Department.

II. For issuance of any other relief/reliefs which may deems fit and proper to the facts and circumstances of the case.”

A counter affidavit has been filed today on behalf of respondent no. 3 to 5. Perusal thereof would show that the District Officer, Jehanabad has passed order, as contained in Memo No. 1074, dated 13.10.2018, whereunder he had directed the Block Development Officer, Makhdumpur to lodge a First Information Report (in short the “FIR”) against the Mukhiya and the then Panchayat Secretary, and has also directed to take steps for recovery of the amount by filing a certificate case. He has also directed the Block Development Officer, Makhdumpur to submit a proposal for initiation of case under Section 18(5) of the Bihar Panchayati Raj Act, 2006. It is apparent from the records that the order as contained in Annexure-‘G’ to the counter affidavit is not under challenge in the present case.



It further appears that pursuant to the aforesaid order as contained in Annexure-G to the counter affidavit action has been initiated under Section 18(5) of the Bihar Gram Panchayat Raj Act, 2006 and the petitioner has been called upon to show cause vide Memo No. 131 dated 04.01.2019, as contained in Annexure-16 to the Interlocutory Application No. 221 of 2019.

The writ application was originally filed for quashing of Annexure-13 to the writ application, which is dated 04.07.2018, by which the petitioner was called upon to deposit a sum of Rs. 32,07,000/- (Rupees Thirty Two Lakhs and Seven Thousand only) within a period of 48 hours.

In the opinion of this court, this writ application in so far as it seeks quashing of Annexure - '13' had already become infructuous when the order dated 13.10.2018 was passed by the District Officer, Jehanabad. By virtue of the said order dated 13.10.2018, the action for lodging of F.I.R. has already been taken and a certificate proceeding has also been registered. Proposal for initiation of



action under Section 18(5) of the Bihar Panchayat Raj Act, 2006 has also been initiated, therefore, even Annexure - 'G' to the counter affidavit stands implemented.

The notice as contained in Annexure-16 to the Interlocutory Application is an opportunity to the petitioner to show cause as to why she should not be removed from her post.

Learned counsel for the petitioner submits that a show cause has already been filed and the matter is pending consideration.

In the given facts and circumstances of the case now nothing remains for adjudication in the present writ application. It is disposed of accordingly, but with a liberty to the petitioner to seek her remedy as may be advised to her in accordance with law.

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.01.2019
Transmission Date	

