

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12107 of 2019

Vinod Kumar Ram (M), aged about 57 years, S/o Late Ram Kisahun Ram resident of Village-Jagwaliya, P.O.-Saraiya, Block- Ara Sadar, District-Bhojpur Ward Member of Ward No.11, Gram Panchayat Raj Pirouta, Block-Ara Sadar, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Gram Panchayat Raj Govt. of Bihar, Patna
2. The District Magistrate-Cum-2nd Appellate Authority, Bhojpur at Ara.
3. The Additional Collector, 1st Appellate Authority, Bhojpur at Ara.
4. The Deputy Development Commissioner, Bhojpur at Ara.
5. The District Panchayat Raj Officer, Bhojpur at Ara.
6. The Sub-Divisional Officer Ara Sadar, Bhojpur.
7. The Block Development Officer-Cum-Block Panchayat Raj Officer, Block-Ara Sadar, Distt.-Bhojpur.
8. The Block Extension Officer, Ara Sadar, Bhojpur.
9. The Panchayat Sachiv, Gram Panchayat Raj Pirouta, Block-Ara Sadar, District-Bhojpur.
10. The Mukhiya, Gram Panchayat Raj Pirouta, Block-Ara Sadar, District-Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suresh Prasad and Mr. Dhanesh Shankar Vidyarthi, Advocates
For the State	:	Mr. Kumar Alok, SC 7
For the Private Respondents	:	Mr. Manoj Kumar and Mr. Ksheri Sharma, Advocates

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 26-11-2019

Heard learned counsel for the petitioner and learned SC

7 for the State.

2. The petitioner has moved the Court for the following
reliefs:



“I. For issuance a writ in the nature of certiorari to quash the order dated 02/03/2019, passed by the respondent no. 2 (Annexure-8) because the scheme as initiated for development work of the State of Bihar provided by the order of Chief Minister known as SAAT NISCHAY Scheme is going-on in the other wards of said Gram Panchayat Raj Pirouta ignoring the Ward No. 11 being constituted of Ward KARYANVAYAN EWAM PRABANDHAN SAMITI according to the Panchayat Raj (Amended) Act.

II. For issuance a writ in the nature of mandamus to direct the respondent authority to follow up the order dated 28/12/2018, passed by the respondent no. 3 (Annexure-7) which is fully based upon the material as well as the report (Annexure-4) available on record.

III. For a strict direction to the respondent authorities to act according to work done in Ward No. 1 and 2 which is going-on on the same score, but being the order for work in Ward No. 11, it has been ignored due to otherwise reason stated herein after.

IV. To ask an explanation from the respondents specially to the Respondent no. 7 that in what circumstances the work of scheme is not being initiated after submitting the report which also indicates that all is O.K. even the direction given by Respondent no. 6 is very clear but till date no action has been taken.”

3. The grievance of the petitioner is that the Ward Implementation and Managing Committee of Ward No. 11 of Gram Panchayat Raj Pirouta in the district of Bhojpur, despite being constituted, funds are not being transferred to it.

4. Learned counsel for the petitioner drew the attention of the Court to various orders of the lower authorities to indicate that there is a direction for such transfer.



5. Learned counsel for the State drew the attention of the Court to the order passed by the District Magistrate, Bhojpur dated 02.03.2019, by which the very formation of the Committee has been held not to be in accordance with the relevant Rules and direction has been given to constitute the same afresh.

6. Having regard to the aforesaid, the Court does not find any occasion to direct for transfer of the fund to the Committee. Accordingly, the application stands disposed off.

7. However, let the District Panchayat Raj Officer, Bhojpur (respondent no. 5) ensure that a fresh Committee is constituted, after following the due procedure and in accordance with law, in terms of the order of the District Magistrate, Bhojpur dated 02.03.2019, copy of which has been made Annexure-8 to the writ application. The same be done within one month from the date of production of a copy of this order before him.

(Ahsanuddin Amanullah, J.)

P. Kumar

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