

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23184 of 2019

Shambhu Sah, Son of Jitu Sah, Resident of Anar Pethiyagachhi, P.S.-Ashok
Paper Mill, Singhauli, District-Darbhangha, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Director, Panchayati Raj Govt. of Bihar, Patna.
4. The District Magistrate, Darbhanga.
5. The District Panchayati Raj Office, Darbhanga.
6. The Block Development Officer, Hayaghat, Darbhanga.
7. The Executive Engineer, Rural Works Development Work Division, Darbhanga.
8. The Mukhiya, Gram Panchayat, Singhauli Panchayat, Hayaghat Block, Darbhanga.
9. The Panchayat Secretary, Gram Panchayat Raj, Singhauli, Hayaghat, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prahalad Kumar Bhagat, Adv.
For the Respondent/s : Mr.P.N. Shahi, AAG-6

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

and

HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

Date : 29-11-2019



Heard learned counsels for the petitioner and the respondents.

The present writ application has been filed for a direction respondent authorities to set-up an enquiry with regard to misappropriation of money in repairing of 20 years old 'Yatri Shed' situated in Village-Singhauli, Ward No.14, Hayaghat Block, Darbhanga. The relief prayed for by the petitioner as stipulated in paragraph no.1 of the writ application reads as under :-

“i. For issuance of an appropriate Writ/Writs or directions to the respondents to set-up an enquiry as to why Public Money of Rs.4,22,900/- lacks is being wasting in the name of repairing of 20 years old “Yatri Shed” Singhauli in Panchayat Pethiyagachi, Ward No.14, Hayaghat Block, Darbhanga, knowing the facts that said road on whom yatri Shed Situated has been acquired for widen the road. The said yatri Shed is useless as not a single public vehicle stopped there.

ii) For issuance of an appropriate Writ/Writs or direction to the District Magistrate Darbhanga, Executive Engineer, Rural Work Development, to whom public representation filed will decide the representation according to law.

ii) For issuance of an appropriate Writ for a direction to the respondents not to misuse Public Money of Rs.4,22,900/- and use



said Public Money in any other suitable place for the benefit of the general Public of the Pethiyagachhi Gram Panchayat, under the Hayaghat Block, Darbhanga.”

Learned counsel for the petitioner submits that the road over which the said ‘Yatri Shed’ is situated is under widening and the ‘Yatri Shed’ situated at such a remote place that it is not being used by any public, hence, if the tender will be given a shape of contract, then public money will be misappropriated.

Considering the nature of prayer made, we are not inclined to issue any direction to the respondent authorities since any direction as sought for will require ascertainment of disputed facts.

However, it is submitted that a public representation has been submitted before the Respondent No.4, the District Magistrate, Darbhanga, as contained in Annexure-2 series but the same has not been disposed of as yet.

In the circumstances, it is expected from the Respondent No.4, the District Magistrate, Darbhanga to dispose of the representation of the petitioner, as contained in Annexure-2 series, if it has not been disposed of as yet, within a period of six weeks from the date of receipt/production of a copy of this order, in accordance with law.



Accordingly, the writ application stands disposed
of.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NIL
Uploading Date	
Transmission Date	NIL

