

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24886 of 2019

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Bipin Kumar Thakur S/o Late Dharendra Kumar Thakur, R/o at and P.O.-
Gohi, P.S.- Warisnagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Samastipur, District- Samastipur.
5. The District Panchayati Raj Officer, Samastipur, District- Samastipur.
6. The Deputy Development Commissioner, Samastipur, District- Samastipur.
7. The Sub-Divisional Officer, Samastipur, District- Samastipur.
8. The Block Development Officer, Warisnagar, District- Samastipur.
9. The Block Panchayat Raj Officer, Warisnagar, District- Samastipur.
10. Rajesh Kumar Sahni, S/o Late Ram lakhani Sahni the Mukhiya, Gram Panchayat Raj - Gohi P.S.- Warisnagar, District- Samastipur.
11. The Uttar Bihar Gramin Bank through its Regional Manager, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar.
12. The Branch Manager, Bihar Gramin Bank, Warisnagar, District- Samastipur.
13. The Branch Manager, Bihar Gramin Bank, Grahak Seva Kendra, Kishanpur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arinjay Kumar, Adv. Mr. Mrityunjay Kumar, Adv.
For the Respondent/s	:	Mr. Ajay, GA-5
For South Bihar Gramin Bank	:	Dr. Anand Kumar, Adv.
For North Bihar Gramin Bank	:	Mr. Prabhakar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

Date : 12-12-2019

Heard Mr. Arinjay Kumar, learned counsel for the
petitioner, Mr. Ajay, learned GA-V for the respondent-State, Mr.



Anand Kumar, learned counsel for the South Bihar Gramin Bank and Mr. Prabhakar Jha, learned counsel for the North Bihar Gramin Bank.

The petitioner through the present Writ Application filed by way of Public Interest Litigation has prayed for a direction to the respondent authorities to take an appropriate action against Respondent No.10, who is the present Mukhiya of Gram Panchayat Raj- Gohi, in the District of Samastipur since he has misappropriated funds under the government schemes. The prayer made in paragraph No.1 of the Writ Application reads as under :-

“That this is an application for issuance of a writ in the nature of Mandamus or any other appropriate Writ/Order/direction to the respondent authorities to take appropriate action against the Respondent No.10 namely Rajesh Kumar Sahni, who is the Present Mukhiya of Gram Panchayat Raj Gohi, P.S.- Warisnagar, District- Samastipur (hereinafter referred to as the Panchayat) on the basis of different complaint made by the petitioner and several other ward Members as well as villagers of the Panchayat in the matter of defalcation/misappropriation of money in Nal-Jal Yojna, Indira Awas Yojna (Now it is Pradhanmantri Awas Yojna) and Several other irregularity/criminality done by the Respondent No.10 in several other government sponsored schemes.”



Considering the fact that the prayer made in the writ application requires an enquiry into disputed question of facts, which cannot be ascertained without leading of evidences and as such, we are not inclined to entertain the present Writ Application.

However, it appears from Annexure-5 series to the writ application that the representation has been given to different authorities in this regard.

Mr. Ajay, learned GA-5 drew out attention to the letter issued by the Sub-Divisional Officer, Samastipur, dated 31st October, 2018, whereby, the Block Development Officer, Warisnagar, Samastipur was directed to transmit the enquiry report. The said letter relates to an enquiry with regard to the construction of toilet in the play ground of High School, Gohi.

In the circumstances, though the petitioner has already submitted representation, but we permit the petitioner to file a fresh representation within a period of two weeks from the date of receipt/production of a copy of this order before the Respondent No.4, the District Magistrate, Samastipur giving details of his grievances, whereupon, it is expected from the Respondent No.4, the District Magistrate, Samastipur to dispose



of the representation of the petitioner within a period of six weeks on its filing by a speaking and reasoned order, in accordance with law.

With the above observation, the writ application stands disposed of.

(Dinesh Kumar Singh, J)

(Anil Kumar Sinha, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NIL
Uploading Date	19.12.2019
Transmission Date	NIL

