

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1563 of 2020

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Nandu Bhagat, Male, aged about 68 years, Son of Phekan Bhagat, Resident of
Village- Manikauli, PS- Singhwara, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector cum District Magistrate, Darbhanga.
3. The Deputy Development Commissioner, Darbhanga.
4. The District Panchayati Raj Officer, Darbhanga.
5. Block Development Officer, Singhwara, Darbhanga.
6. Prakhand Pramukh, Singhwara, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajib Ranjan Jha and Mr. Girish Chandra Jha, Advocates
For the State	:	Mr. Kumar Alok, SC 7 Mr. Prem Ranjan Raj, AC to SC 7

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

ORAL JUDGMENT

Date : 23-01-2020

Heard learned counsel for the petitioner and learned SC
7 for the State.

2. Learned counsel for the petitioner is permitted to
correct the nomenclature of the respondent no. 2. Let the same be
done during the course of the day.

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

*“1. That this is an application of
issuance of appropriate writ/writs,
direction/directions commanding the respondents
particularly the respondent no. 1 to 5 to enquire*



into the embezzlement of government fund ment for development work of gram panchayat Singhwara due to arbitrary implementation of project by the respondent no. 6 against the decision taken in meeting of Panchayat Samiti and committed irregulation in the implementation of the same in his own area without development of other area and after inquiry if it is found to be correct then proper action be taken for recovery of government money which has been illegally spent in the substandard work.

And for issuance of direction to the respondent no. 6 to hold and call for regular meeting of panchayat samiti who is careless towards his duty and to allot the work among the panchayat samiti member in proportionate manner and to implement the work for which the decision has already been taken in the meeting and/or issuance of any other writ or writs under facts and circumstance of the case.”

4. In essence, the petitioner is aggrieved by the functioning of the *Pramukh* of Singhwara Panchayat in the district of Darbhanga.

5. Learned counsel for the petitioner drew the attention of the Court to representations filed before the Block Development Officer, Singhwara; the Deputy Development Commissioner, Darbhanga as also the District Magistrate, Darbhanga by many persons, including the petitioner, which according to him has still not been acted upon. It was submitted that such representations were filed on 04.12.2018; 07.12.2018; 29.03.2019; 14.06.2019 and 05.07.2019 respectively. It was further submitted that a specific allegation with regard to the



arbitrary function of the *Pramukh* was that, barring four wards no scheme was ever implemented in any of the remaining wards from 2015 till 2018.

6. Learned counsel for the State fairly submitted that once a complaint is before the District Magistrate, the same has to be enquired into.

7. The Court finds the nature of the complaint to be serious as one person i.e., the *Pramukh* cannot treat the funds of the *Prakhand* to be his or her private fund and cannot decide the schemes by way of largesse, at his or her personal whim and discretion. There has to be equitable distribution as public funds are meant for all the citizens for whom the same is given and the amount given to the *Prakhand* is more or less to be equitably distributed among its ward. If what has been alleged by the petitioner is correct, the situation may require drastic intervention by the authorities, who, under the statute are required to supervise and ensure that the Panchayat Samiti works in accordance with the provisions of the statute and Government guidelines issued in this regard.

8. Learned counsel for the State submitted that the matter be disposed off with a direction to the District Magistrate to take follow up action, as may be deemed appropriate under law.



9. Having regard to the aforesaid, the writ petition stands disposed off with liberty to the petitioner to file a fresh representation before the District Magistrate, Darbhanga (respondent no. 2), detailing the allegations. If the same is done within four weeks from today, the respondent no. 2 shall be obliged to get the matter enquired into and based on the same, to proceed, in accordance with law, thereafter. The respondent no. 2 shall ensure that the enquiry on the representation of the petitioner is completed within one month from the date of filing of such representation and thereafter, follow up action is also taken within the next one month.

(Ahsanuddin Amanullah, J.)

P. Kumar

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