

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18699 of 2018

1. Samil Alam, Son of Saiyub, Resident of Village- Amauna, P.S. Jogwani, District- Araria.
2. Shamiullah Son of Jajitullah Resident of Village- Amauna, P.S. Jogwani, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Araria.
3. The Deputy Collector Land Reforms, Araria.
4. The Block Development Officer, Block- Jogwani, District- Araria.
5. The Convener, Pradhan Mantri Awas Yojna (Gramin), Govt. of Bihar, Patna.
6. The Mukhiya of Gram Panchayat Raj Amauna, Bathnaha, P.S. Jogwani, District- Araria.
7. The Union of India through the Secretary, Ministry of Rural Development, Govt. of India.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Niranjan Kumar, Advocate
For the Respondent/s	:	Mr. Anjani Kumar -AAG-4
For UOI	:	Mr. S.D. Sanjay, Addl. S.G.
		Mr. Ravindra Kumar Sharma, CGC

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 15.09.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioners and learned
counsel for the respondents.

Petitioners have prayed for the following relief/s:

“(i) For issuance of writ in the nature of certiorari for



quashing the list of priorities for beneficiaries for allotment of Indira Awas under Pradhan Mantri Awas Yojna (Gramin) for Amouna Panchayat, Block/Tahsil- Forbesganj under the district of Araria issued by the Ministry of Rural Development, Government of India.

(ii) For issuance of a writ in the nature of mandamus for directing and commanding the responsible respondent authorities to allot the Indira Awas under the Pradhan Mantri Awas Yojna (Gramin) to priorities for beneficiaries, who is/are really in need of shelter to survive themselves in accordance with the earlier methodology by constituting Aam Sabha.

(iii) For issuance of writ in the nature of mandamus for directing and commanding the respondent authorities to make proper inquiry by the independent agency with respect to the list of priorities for beneficiaries for allotment of Indira Awas for the said Panchayat under the district of Araria whereby and whereunder the responsible respondents authorities have arbitrarily and illegally prepared the said list and preferences of the priorities for beneficiaries had been allotted to those persons who are householders having ulterior interest.”

After the matter was heard for some time, learned counsel for the petitioners submits that petitioners shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioners shall be making afresh within a period of four weeks from



today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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