

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8382 of 2018

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Suman Kumar Singh S/o-Late Diwakar Prasad Singh, Resident of Village-Bora, P.S.-Amdanda, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The District Panchayati Raj Officer, Bhagalpur.
6. The Block Development Officer, Sanhaura, Bhagalpur.
7. The Panchayat Secretary, Sanhaura, Bhagalpur.
8. The Mukhiya Borra Pathakdih Gram Panchayat, Sanhaura, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar Thakur, Advocate
For the Respondent/s : Mr. Ajay- G.A. - 5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2020

Petitioner has prayed for following relief(s) : -

- “(i) For direction to the respondent authority to implement and execute the Scheme for improving the ROAD/DRAINAGE and SAFE DRINKING WATER in the rural area arising out of Saat Nischay Yojana (Seven Resolves) initiated by the State Government for proper and systematic development in Village area through the Ward Implementation and Management Committee and for which the State Government has sanctioned and released a sum of Rs.78,000/- crores and 47,700/- crores respectively for execution of Schemes.



- (ii) For direction to the respondent authority including the respondent nos. 4 to 6 to restrain the Panchayat Secretary and Mukhiya across the State of Bihar from withdrawing the amount meant for execution of the Scheme and also ensure allocation of the amount sanctioned by the State Government in the account of Ward Implementation and Management Committee from the account of gram panchayat for execution of the scheme in terms of Section 170C of the Bihar Panchayat Raj (Amendment) Act, 2017.
- (iii) For direction to the respondent no.4 to take legal action against all the concerned persons who have fraudulently withdrawn the amount in violation of Section 170(C) of amended Act, 2017 under appropriate Sections of Indian Penal Code.”

Despite repeated calls, and the link sent by the Registry, none has entered appearance on behalf of the petitioner.

We are of the considered view that interest of the petitioner can be best served with the petitioner approaching the authorities highlighting the issues, subject matter of the present petition, whereafter approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

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

We are hopeful that as and when petitioner takes



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.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

We have not expressed any opinion on merits. Also, the ongoing process, if any, shall not be stalled.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

chn/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.12.2020
Transmission Date	

