

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23422 of 2018

Ward Sangh Block- Dinara, District- Rohtas, through its president Narvdeswar Choubey, Son of Late Shyam Sundar Choubey, Ward Member of Panchayat Raj, Mahrodh, Ward No. 14, Block- Dinara (Rohtas), resident of Village- Bhanas, Post Office- Belwayan, Police Station- Dinara, District- Rohtas.

... .. Petitioner

Versus

1. The State Of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar.
3. The Secretary, Panchayati Raj Department, Government of Bihar.
4. The Divisional Commissioner, Patna Division.
5. The District Magistrate, Sasaram, District- Rohtas, Bihar.
6. The Deputy Development Commissioner-cum- Chief Executive Officer, District Council, Sasaram, Rohtas.
7. The Divisional Director, Panchayati Raj.
8. The Divisional Deputy Director, Panchayati Raj.
9. The District Panchyati Raj Officer, District- Rohtas, Bihar.
10. The Block Development Officer-cum- Chairman, Block Level Monitoring Committee, Dinara Block, District- Rohtas.
11. The Block Panchyat Raj Officer, Dinara- Block, District- Rohtas.
12. The Mukhiya, Panchyat Raj, Bhanpur, Block- Dinara, District- Rohtas.
13. The Mukhiya, Panchyat Raj Bhulai, Block- Dinara, District- Rohtas.
14. The Mukhiya, Panchyat Raj Samhooti, Block- Dinara, District- Rohtas.
15. The Mukhiya, Panchyat Raj, Chilahrwan, Block- Dinara, District- Rohtas.
16. The Mukhiya, Panchayat Raj, Akodha, Block- Dinara, District- Rohtas.
17. The Mukhiya, Panchayat Raj, Bharsara, Block- Dinara, District- Rohtas.
18. The Mukhiya, Panchayati Raj- Saisud, Block- Dinara, District- Rohtas.
19. The Mukhiya, Panchayat Raj, Goonsej, Block- Dinara, District- Rohtas.
20. The Mukhiya, Panchayat Raj- Rajpur, Block- Dinara, District- Rohtas.
21. The Panchayat Secretary, Panchayat Raj- Bhanpur, Block- Dinara, District- Rohtas.
22. The Panchayat Secretary, Panchayat Raj, Bhulai, Block- Dinara, District- Rohtas.



23. The Panchayat Secretary, Panchayat Raj Samhuti, Block- Dinara, District- Rohtas.
24. The Panchayat Secretary, Panchayat Raj, Chilaharuwan, Block- Dinara, District- Rohtas.
25. The Panchayat Secretary, Panchayat Raj- Akodha, Block- Dinara, District- Rohtas.
26. The Panchayat Secretary, Panchayat Raj- Bharsara, Block- Dinara, District- Rohtas.
27. The Panchayat Secretary, Panchayat Raj- Saisad, Block- Dinara, District- Rohtas.
28. The Panchayat Secretary, Panchayat Raj- Goonsej, Block- Dinara, District- Rohtas.
29. The Panchayat Secretary, Panchayat Raj- Rajpur, Block- Dinara, District- Rohtas.

... .. Respondents

Appearance :

For the Petitioners : Mr. Om Prakash, Advocate
For the Respondents : Mr. Pushkar Narain Shahi, AAG 6
Mr. Mritunjay Kumar, AC to AAG 6

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 05.12.2018 is listed for hearing
for the first time today before the Court.

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

Petitioner has prayed for the following relief:

*“(A) A writ in the nature of mandamus
or any other appropriate writ/s, order/s, directions
commanding the respondents for the following:-*

*(i) To direct the respondents specially
Respondents No. 12 to 29 for giving immediate
Administrative Approval with regard/respect
against technical approval, which has already been
given by the Block Development Officer-cum-*



Chairman, Block Level Monitoring Samitee, Dinara Block, District Rohtas for implementation of Mukhya Mantri Gramin Pey Jal Michaya Yojna in following wards of different Panchayats of Dinara Block, District–Rohtas of which details are as under:-

<i>Sl. No.</i>	<i>District</i>	<i>Block</i>	<i>Gram Panchayat</i>	<i>Financial Year</i>	<i>Selected Ward No.</i>	<i>Date of giving tech. Approval</i>
<i>1</i>	<i>Rohtas</i>	<i>Dinara</i>	<i>Bhanpur</i>	<i>2016-17</i>	<i>03</i>	<i>26.02.2018</i>
<i>2</i>	<i>Rohtas</i>	<i>Dinara</i>	<i>Gunsej</i>	<i>2016-17</i>	<i>03</i>	
<i>3</i>	<i>Rohtas</i>	<i>Dinara</i>	<i>Bhuai</i>	<i>2016-17</i>	<i>13</i>	<i>26.03.2018</i>
<i>4</i>	<i>Rohtas</i>	<i>Dinara</i>	<i>Bharsara</i>	<i>2016-17</i>	<i>03</i>	<i>26.03.2018</i>
<i>5</i>	<i>Rohtas</i>	<i>Dinara</i>	<i>Samahuti</i>	<i>2017-18</i>	<i>10</i>	<i>14.03.2018</i>
<i>6.</i>	<i>Rohtas</i>	<i>Dinara</i>	<i>Chilharuan</i>	<i>2017-18</i>	<i>01</i>	<i>14.03.2018</i>
<i>7</i>	<i>Rohtas</i>	<i>Dinara</i>	<i>Akodha</i>	<i>2017-18</i>	<i>07</i>	<i>26.03.2018</i>
<i>8.</i>	<i>Rohtas</i>	<i>Dinara</i>	<i>Bharsara</i>	<i>2017-18</i>	<i>13</i>	<i>26.03.2018</i>
<i>9.</i>	<i>Rohtas</i>	<i>Dinara</i>	<i>Saisad</i>	<i>2017-18</i>	<i>12</i>	<i>26.03.2018</i>
<i>10.</i>	<i>Rohtas</i>	<i>Dinara</i>	<i>Gunsej</i>	<i>2017-18</i>	<i>05</i>	<i>11.04.2018</i>
<i>11</i>	<i>Rohtas</i>	<i>Dinara</i>	<i>Rajpur</i>	<i>2017-18</i>	<i>13</i>	<i>07.05.2018</i>

and Further to direct the concerned Mukhiya and Panchayat Secretary of ward mentioned above to forthwith transfer the fund/amount to the Bank Account of the “Ward Implementation and Management Committee” of respective ward of their Panchayat as mentioned above so that work under Mukhya Mantri Gramin Pey Jal Nischaya could be started to supply fresh/safe drinking water to the peoples of selected above said ward of respective Panchayat.

(ii) To direct the respondents to ensure the completion of the entire work of supply of pure/fresh drinking water through pipe line to every house of selected ward of concerned Panchayat (as mentioned above) falling within the



Dinara Block, District Rohtas under Mukhya Mantri Gramin Pey Jal Nishchay Yojana within time frame i.e. 3 months after giving Administrative approval and Transferred of Fund by the concerned Panchayat i.e. Mukhiyas and Panchayat Secretary to the bank account of Ward Implementation and Management Samittee of above said selected ward in the as prescribed in the Guidelines prepared by the Govt. of Bihar for achieving the goal of the said scheme.

(B) To pass such other order or orders for which the petitioner is found entitled to facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner 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 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.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

BT/-

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