

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7695 of 2020

-
-
1. Ram Kumar Singh Son of Durga Pandey, resident of Village- Madanpur Chaube, P.o.- Kharauna Dih, P.s.- Sadar, Muzaffarpur
 2. Vikash Kumar Son of Mahendra Pandey, resident of Village- Madanpur Chaube, P.o.- Kharauna Dih, P.s.- Sadar, Muzaffarpur
 3. Santosh Kumar Pandey, Son of Ram Prasad Pandey, resident of Village- Madanpur Chaube, P.o.- Kharauna Dih, P.s.- Sadar, Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna
2. The District Magistrate, Muzaffarpur
3. The S.D.O. East, Muzaffarpur
4. The Block Development Officer, Block- Mushhari, Muzaffarpur
5. The District Panchayati Raj Officer, District- Muzaffarpur
6. The Ward Secretary of Gram Panchayat Raj Madhubani, block- Mushahari, District- Muzaffarpur
7. The Panchayat Secretary of gram Panchayat Raj Madhubani, block- Mushahari, District- Muzaffarpur
8. The Mukhiya of Gram Panchayat Raj Madhubani, block- Mushahari, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate
For the Respondent/s : Mr.Patanjali Rishi, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-09-2020 Petitioners have prayed for the following relief(s):-

“(i) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents make enquiry for embezzlement of government fund for 14th Bitta yogana of Nal-Jal Yajana of Gram Panchayat Raj



Madhubani, block-Mushahari, District-Muzaffarpur, by which respondent no.-2 to 8 have misused the government fund and has not completed the work as per government guideline and also used material below prescribed quality i.e. firstly pipe is below quality, secondly the pipe has not been fitted under ground in proper depth, records of the work register has not been properly maintained, goods have been purchased without sanction taken from the purchase committee.

(ii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to make enquiry regarding embezzlement of govt. fund of 14th Bitta yojana of Nal - Jal Yajana regarding boring of state tube well, which has to be bored in government land for welfare of the people of the locality but in place of government land the said tube well has fixed by the Panchayat secretary in his own land, which is clear cut misuse of government fund and the act of the respondent no.- 6 itself shows that the panchayat secretary has misused the government fund and knowingly and willfully deprived the people of the locality from getting benefit of government benevolent scheme and when notice has been given to other respondents, they keep mum over the matter and sit tight over the matter and trying to save respondent no.- 6 for his wrong work.

(iii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to make enquiry regarding embezzlement of govt. fund relating to allotment of Sauchalaya under Sauchalaya Yojana of 14th finance yojana by which toilet has not been allotted to the real beneficiary, but in place of the same it has been issued to the near and dear of the respondent no.- 6 to 8 and as such the needy people got deprived from getting benefit of the government scheme and no proper information regarding expense of the fund amount has been



published by the authority concerned in spite of demand made by the people of the locality

(iv) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to make enquiry regarding embezzlement of government fund of 5" finance Yojana issued for construction of concrete road of the village as the road constructed in the panchayat raj Madhubani, block Mushahari, Muzaffarpur came in its miserable condition within one year of its construction and after its construction, no proper precaution has been taken to keep it fit and proper neither the same has repaired.

(v) For issuance of any other writ/writs /order/orders /direction / directions to the respondents to make enquiry regarding embezzlement of govt. fund Nal Jal Yajana as well as embezzlement in allotment of Sauchalaya and construction of concrete road of Gram Panchayat Raj Madhubani, block :- Mushahari, P.S.- Sadar, District- Muzaffarpur of 14th finance yojana as well as 5 th finance yojana and to take action against guilt person as per law against respondent no.- 6, 7 & 8 for misappropriation of govt. fund under such the facts and circumstances of the case.”

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 (Annexure-1), at the earliest.

Learned counsel for the respondents states that respondent No.2, the District Magistrate, Muzaffarpur shall decide the representation of the petitioners dated 3.3.2020



(Annexure-1) positively within a period of three months from today.

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)

(S. Kumar, J)

pallavi/-

U			
---	--	--	--

