

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12067 of 2019

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Kanchan Kumar S/o Mahendra Sah Resident of Village-Basaul,Belsand
Nagar Panchayat Ward No.4 P.S. Jaffarpur,Dist.-Sitamarhi

... .. Petitioner/s

Versus

1. The Union of India through The Secretary to Govt., Ministry of Housing and Urban Affarirs,Govt. of India,New Delhi
2. The Secretary to Govt., Ministry of Housing and Urban Affairs,Govt. of India,New Delhi
3. The Secretary to Govt., Urban Housing and Poverty Alleviation Ministry,Govt. of India.
4. The State of Bihar through the Chief Secretary,Govt. of Bihar,Old Secretariat,Patna
5. The Chief Secretary, Govt. of Bihar,Old Secretariat,Patna
6. The Principal Secretary, Urban Development Department Govt. of Bihar,New Secretariat,Patna
7. The District Magistrate, Sitamarhi
8. Belsand Nagar Panchayat, Sitamarhi through its Executive Officer
9. The Executive Officer, Belsand Nagar Panchayat,Sitamarhi
10. Braj Kishore Ram, Then Executive Officer,Belsand Nagar Panchayat,Sitamarhi
11. IDBI Bank Ltd., Sitamarhi through its Branch Manager
12. The Branch Manager, IDBI Bank Ltd.Sitamarhi
13. The State Bank of India,Belsand, Sitamarhi,through its Branch Manager
14. The Branch Manager, The State Bank of India,Belsand,Sitamarhi
15. The Bank of Baroda,Belsand, Sitamarhi,through its Branch Manager
16. The Branch Manager, The Bank of Baroda,Belsand,Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sushmita Mishra, Adv.
For the Respondent Nos. 1-3	:	Mrs. Nevedita Nirvikar, CGC
For the Respondent Nos. 8-9	:	Mr. Rakesh Kumar, Adv.
For the Respondent No. 10	:	Mr. Gyan Shankar, Adv.
For the Respondent Nos. 11-12	:	Mr. Shivendra Kumar Roy, Adv.
For the Respondent No. 14	:	Mr. Harshwardhan Sahay, Adv.
For the State	:	Mr. Y.P.Sinha, Adv.
	:	Mr. Shankar Kumar, Ac to AAG-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH



ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 28-01-2020 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following reliefs:-

“(i) for commanding the respondent authorities to take suitable action against Respondent No. 10 inasmuch as due to their inaction and laches, and appeasing tendency of favourites only, 530 beneficiaries of scheme called Integrated Housing and Slum Development Programme (In short-IHSDP Scheme) were debarred from getting the benefit of IHSDP Scheme.

(ii) for commanding the respondent authorities to take suitable action against Respondent No. 10 for committing financial irregularities and providing false Utility Certificate to the Government of list of Beneficiaries under the Scheme who have been given the same benefit by crediting amount in their Bank Statement although it is a matter of record that the beneficiaries have not received the full amount in



their Bank account due to which they could not make their house as well as toilets to be built under the scheme.”

Having heard the learned counsel for petitioner as also perused the affidavit filed by the Respondent No. 10, we are not inclined to continue with the present petition, more so when prima facie we are not convinced the present petition to be as a public interest litigation. Who is the petitioner ? What is his area of activity and interest ? What efforts were made by the petitioner in contacting the 1437 beneficiaries who were not made payments in terms of the scheme ? What all did he did to pursue their cause with the Authorities. All such averments are missing in the present petition.

We also notice that prior to approaching this Court, petitioner did not make any serious endeavour in highlighting inaction on the part of the authorities so as to enable us to issue a writ of mandamus, which can be issued only when the Court is convinced of the authorities not having taken action in accordance with law.

As such, we dispose of the present petition, reserving liberty to the writ petitioner to invite attention of the authorities of the alleged inaction and only thereafter take recourse to such



remedies which are otherwise available in law.

Needless to add, as and when any such request is made, the authorities shall act in accordance with law, and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

Tiwary/-Ajay/-

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