

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14749 of 2019

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Bimal Kumar Mandal @ Bimal Mandal Son of Ramdatt Mandal, Resident of Village- Chharapatti, Ward No. 02, Simarbani, P.S.- Bhargama, District- Araria, Bihar, Pin - 854311.

... .. Petitioner/s

Versus

1. The State of Bihar Represented through the Secretary, Rural Development Department, Government of Bihar, Patna.
2. The District Magistrate, Araria.
3. The District Programme Officer, Araria.
4. Block Development Officer, Bhargama,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s : Mr. Anjani Kumar (AAG-4)

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

Date : 08-12-2020

Petitioner has prayed for the following relief(s):-

“1(i)For setting up an enquiry in the matter of irregularity in granting the benefit of Indira Awas Yojna in Gram Panchayat Simarbani, Block: Bhargama, District: Araria, for the year 2014-15 wherein the benefit of Indira Awas Yojana has been granted to persons (more than 15 in number) twice even though they were given the benefit of this social welfare scheme on earlier occasion.



ii. For setting up an enquiry in the matter of distribution of money under the beneficiary scheme of Mahatma Gandhi National Rural Employment Guarantee Scheme Act (in short MGNREGA for brevity) under which work has been shown to be done in excess to that of money shown to be withdrawn in the year 2018.

iii. For a further direction upon the respondents to take action against the erring officials and to recover the public money lost due to such misappropriation and mismanagement of the public officials;

iv. To any other relief or relief(s) which the petitioner may be found entitled to in the facts and circumstances of the case.”

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the local level by the appropriate authorities.

We find that the interest of justice should be best served, if petitioner approaches the respondent no. 2 within a period of four weeks for venting out his all rights and grievances also pointing out issues of public interest, including the subject matter of the present petition.

Learned counsel for the respondents states that if



such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

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.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e.



physical mode.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	15.12.2020
Transmission Date	

