

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20078 of 2018

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Nakchhed Ram, Son of Mukhlal Ram, Resident of Village, P.O. and P.S.-
Gaunaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Bihar at Patna.
2. The Principal Secretary, Finance Department, Bihar at Patna.
3. The Secretary, Bihar State Disaster Management Authority, Patna.
4. The Collector, West Champaran, Bettiah.
5. The Deputy Development Commissioner, West Champaran, Bettiah.
6. The District Disaster Management Officer, West Champaran, Bettiah.
7. Mr. Pradeep Kumar Sinha, Son of not Known, Anchal Adhikari-cum-Incharge of Reliefs, Gaunaha, West Champaran.
8. Mr. Sattan Ram, Son of Birchha Ram, Tola Sewak (Mani Tola), Block-Gaunaha, District- West Champaran.
9. Mr. Ravindra Ram Son of Chiragi Ram Mani Tola, Block- Gaunaha, District- West Champaran.
10. Anushrawan Samiti Through the Mukhiya, Gram Panchyat Gaunaha, Block-Gaunaha, District- West Champaran.
11. Ms. Jameela Khatoon Wife of Anwarul Haque The Present Mukhiya, Gram Panchyat Gaunaha, District- West Champaran.
12. Ms. Rajpati Devi Wife of Late Udish Ram Block Development Councillor, Gram Panchyat Gaunaha, District- West Champaran.
13. Ms. Girija Devi Wife of Santosh Thakur Member Ward No.7, Gram Panchyat Gaunaha, District- West Champaran.
14. Ms. Dharmavati Devi Wife of Nirmal Ram Member Ward No.6 Gram Panchyat Gaunaha, District- West Champaran.
15. Mr. Chandan Datta Son of Chitranjan Datta Member Ward No.5, Gram Panchyat Gaunaha, District- West Champaran.
16. Ms. Pahuniya Devi Wife of Bharat Mahto Member Ward No. 11, Gram Panchyat Gaunaha, District- West Champaran.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Amarendra Nath Verma
For the Respondent/s : Mr.Ajay Kr.Rastogi

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA)

Date : 13-01-2021

Heard learned Counsel for the petitioner and learned Counsel appearing on behalf of the State-respondents.

2. The present writ application, in the form of Public Interest Litigation, has been filed by the petitioner for a direction to the State authorities to take action against the persons and beneficiaries found guilty of large scale fraud/embezzlement of the Government money, meant for flood relief scheme and also for commanding the authorities to make a preventive policy decision for flood control.

3. The brief facts, giving rise to the present writ application, is that due to release of water from Nepal in the rainy season, almost every year the flood has become a regular phenomenon in the low lying areas of Bihar, including the district of West Champaran. According to the petitioner, the State machinery awaits for the advent of the flood with stock of articles



to be distributed for relief measures and sand bags for preventing erosion, which are inadequate. However, the Government came out with a decision to pay a sum of Rs. 6,000/- ex-gratia to every family affected by the flood in the year 2017 and the beneficiaries of such payment were to be selected by “Anushrawan Samiti” of the panchayat, in which the Mukhiya was the ex-officio Chairman and Ward Councillors were the members of the said Samiti. The contention of the petitioner is that a large scale fraud was committed, wherein the undeserved families were favoured for extraneous consideration inasmuch as every member of favourite families were paid the relief amount of Rs. 6,000/- to each member of that family ignoring the Government policy, though it was intended for each family instead and the actual needy persons were denied the said amount as they failed to please the concerned authorities.

4. The petitioner has given example of such irregularities in payment of flood relief amount at Gaunaha block in the district of West Champaran.

5. The State-respondents has filed counter affidavit denying the allegation made by the writ petitioner, stating therein that it is wrong to say that any illegalities/irregularities have been committed in general. Referring to the allegation made in



paragraph 8 of the writ application, it has been stated that it is not true that all the beneficiaries belong to one family inasmuch as all are separate from each other and they have got their separate houses and business activities. It has also been stated that it is true that both, Kaushar and his wife Sabiha were given Rs. 6,000/- each, but later on, Kaushar Alam, whose name has been shown at serial no. 614, has returned the amount of Rs. 6,000/- in the S.B.I. Bank, at Gaunaha branch, on 17.04.2018. The respondents, in their counter affidavit, have further stated that the District Disaster Management Officer, West Champaran, Bettiah, has referred the representation submitted by the writ petitioner and others to the Circle Officer, Gaunaha, to conduct an enquiry in the matter and in pursuance thereof, the Circle Inspector conducted the enquiry on 15.06.2018 and found that all beneficiaries, to whom the writ petitioner has alleged that they have been given the amount of Rs. 6,000/- on individual basis, have separate and independent entities and used to reside separately from each other and, accordingly, the Circle Officer, Gaunaha, has submitted its report, vide letter no. 123, dated 18.06.2018 (Annexure-E to the counter affidavit).

6. After having heard learned Counsel for the parties concerned and taking into consideration the materials available on record, and the stand taken by the State-respondents in the counter



affidavit, we are of the considered view that no direction is needed in this Public Interest Litigation.

7. Accordingly, this writ application is disposed of.

(Sanjay Karol, CJ.)

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20-01-2021
Transmission Date	NA

