

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.734 of 2021

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Manju Devi wife of Shivji Singh resident of Chatur Shal Ganj, Ward No. 9,
Dumraon, P.O. and P.S. Dumraon, District- Buxar, presently Ward Councilor
and Member of Empowered Standing Committee, Dumraon Nagar Parishad,
P.O. and P.S. Dumraon, District- Buxar. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The District Magistrate, Buxar, District- Buxar.
4. The Sub- Divisional Officer, Dumraon, District- Buxar.
5. The Executive Officer, Dumraon Nagar Parishad, P.O. and P.S. Dumraon,
District- Buxar.
6. Bhagya Mani Devi wife of Sri Manoj Tiwary @ Bare Tiwary resident of
Mohalla- Tiwary Tola, Dumraon, Ward No. 21, P.O. and P.S. Dumraon,
District- Buxar, presently Chief Councilor of Dumraon Nagar Parishad, P.O.
and P.S. Dumraon, District- Buxar.

... .. Respondent/s

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(The proceedings of the Court are being conducted through Video Conferencing and
the Advocates joined the proceedings through Video Conferencing from their
residence.)

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan, Adv. Mr. Kumar Manglam, Adv.
For the Respondent/s	:	Mr. Subhash Prasad Singh (GA-3)

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



Date : 22-06-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“(I) For issuance of an appropriate writ in the nature of **MANDAMUS** commanding and directing the Respondent no. 2 to hold an enquiry in the affairs of Dumraon Nagar Parishad and more particularly the functioning of the Executive Officer and the Chief Councilor of the said Municipality and to take disciplinary action against the Respondent Executive Officer and action against the Respondent Executive Officer and action against the Chief Councilor under Section 25 of the Bihar Municipal Act, 2007 (hereinafter referred to as the Municipa^aal Act) on the ground that they are deliberately misappropriating the funds of municipality since 1st April, 2020 without any budget and they are also paying salary to their blue eyed employees even if the Municipality had taken a decision much before to terminate their services.

(II) For issuance of an appropriate writ in the nature of **MANDAMUS** commanding and directing the Respondent no. 2 to take suitable action against Chief Councilor or Deputy Chief Councilor under Section 25(5) of the Municipal Act immediately after a complaint is received by him agianst them for which this special power has been



conferred upon Respondent no. 2 under Section 25(5) of the Act.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

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.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose



it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) 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, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25/6/21
Transmission Date	NA

