

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.327 of 2021

=====

Seraj Alam, Son of Saiyad Alam, Resident of Mohalla- Ramapali, P.S.-
Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The Assistant Director, Urban Development and Housing Department, Bihar, Patna.
3. The Deputy Director, Urban Development and Housing Department, Bihar, Patna.
4. The Divisional Commissioner, Saran at Chapra.
5. The District Magistrate, Siwan.
6. The Executive Officer, Nagar Panchayat, Maharajganj, District- Siwan.
7. Superintendent of Police, Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Indu Bhushan, Advocate
For the Respondent/s	:	Mr. Sidhartha Shankar Pandey, Advocate
		Mr. Subhash Prasad Singh, Advocate

=====

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

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 28-06-2021

Heard the parties.

Petitioner has prayed for following relief(s).

“That this Public Interest Litigation application is directed for issuance of an appropriate writ in the nature of Mandamus commanding the responsible respondents to take suitable legal action particularly against respondent no.6 who in arbitrary manner and at the garb of post misused the public money



of Nagar Panchayat, Maharajganj as respondent no.6 without any approval of any work by the Empowered Standing Committee, Nagar Panchayat, Maharajganj and without any advertisement and without following the procedure and ignoring the direction and guideline of Urban Development & Housing Department, Government of Bihar to purchase any items through Gem Portal directly purchased so many items of inferior quality and paid so much money of higher quality and without any advertisement directly gave appointment letter to Sri Pratiyush Kumar Gautam for the post of Head Clerk, and has been taking work from him for all the posts of Nagar Panchayat, Maharajganj, while vide letter no. 5658 dated 24.08.201, the respondent no.3 directed the respondent no.6 to file show-cause on what basis Sri Pratiyush Kumar Gautam was appointed without any advertisement, without sanction of the post and without following the roster of merit list, and the respondent no. 2 did not give any approval of the appointment of Sri Pratiyush Kumar Gautam, but the respondent no.6 did not give any importance of the order of respondent nos. 2 and 3 and did not submit any show-cause and besides it, there is government vehicle in well condition but it has been abandoned some elsewhere, the respondent no.6 do not utilize the vehicle of Nagar Panchayat, Maharajganj, rather he has hired a private vehicle and has been living at a distance of more than 50 kilometer from the town and has been paying Rs.2000/- per day as fare to private vehicle, in this way there is also misused the money and power. The respondent no.6 despite requests of the Chief Councilor, Deputy Chief Councilor and other



councilors never fixed the date of meeting and without meeting he been doing all the work of Nagar Panchayat, Maharajganj. The petitioner has written several letters to the responsible respondents, but none of the responsible respondents have turned their deaf ear. Rather all the responsible respondents have encouraged respondent no.6 to do all the illegal works and to misuse the government money. The respondent no.6 illegally gave the benefit of Prime Minister Housing Scheme to the richest persons. He was transferred but at the power of money he got stayed his transfer and he is man of criminal activity and he used to abuse the councilors of Schedule Caste for which Siwan SC./S.T. P.S. Case No. 18 of 2020 has been lodged, but the police officers of District of Siwan has not taken any action under influence of the respondent no.6.”

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)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

