

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2086 of 2021

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Sri Ram Kahar S/o Late Jiut Kahar, Resident of Village - Rahthua, P.S. Brahampur, Prakhand - Brahampur, District- Buxar, Bihar, presently working as Chairman, Ward Implementation and Management Committee, Panchayat-Kant, Ward No. 1, Prakhand- Brahampur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Public Health Engineering (PHED) Department, Govt. of Bihar, Patna.
2. The District Magistrate Buxar, Bihar.
3. The District panchayati Raj Officer, Buxar.
4. The Block Development Officer, Brahampur, Buxar.
5. The Secretary, Ward Implementation and Management Committee, Panchayat- Kant (Ward No. - 1), Prakhand- Brahampur, District- Buxar.
6. The Technical Assistant Ward Implementation and Management Committee, Panchayat - Kant (Ward No. 1), Prakhand- Brahampur, district- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Respondent/s : Mr. Dharendra Kumar, AC to AAG 6

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-07-2021 Heard learned Counsel for the parties concerned.

The present writ application has been filed for quashing of letter, issued by the Block Development Officer, Brahampur (Buxar), whereby the petitioner has been directed to deposit a sum of Rs. 4,35,390/- in the account of the Ward Implementation and Management Committee, along with the Secretary and Technical Assistant of Panchayat Kant in the district of Buxar.

The petitioner is the Chairman of the Ward



Implementation and Management Committee, Panchayat Kant, Block Brahampur, and he is responsible for implementation of the scheme relating to *Mukhyamantri Peyajal Nischaya Yojna* for the financial year 2017-18.

Learned Counsel for the petitioner submits that the letter, vide Memo No. 1470, dated 05.11.2020 (Annexure-5) has been issued in haste and without taking into consideration the fourth measurement book and only after the completion of the Scheme and complete measurement book, if any discrepancy or irregularity is found, then only the authorities can fasten the liability upon the petitioner and others. He further submits that the petitioner was not issued any notice regarding the enquiry conducted by the joint Enquiry Team in this matter and the same was conducted behind the back of the petitioner without giving any opportunity to him to place the correct fact before the Enquiry Team. He further submits that the petitioner is intending to file a fresh representation before the District Magistrate, Buxar, stating therein the entire facts and the District Magistrate may be directed to dispose of the representation of the petitioner after giving him opportunity of hearing.

On the other hand, learned Counsel for the State



submits that from perusal of Annexure-5, it appears that the entire calculation has been done and a sum of Rs. 4,35,390/- is found recoverable from the petitioner and others.

Having heard learned Counsel for the parties, the petitioner is directed to file a fresh representation before the District Magistrate, Buxar, within a period of two weeks from today, raising all the issues raised in this writ application and the District Magistrate, Buxar is directed to dispose of the representation filed by the petitioner, in accordance with law after giving the petitioner an opportunity of hearing, within a period of six weeks from the date of filing of the representation.

This writ application is disposed of with the aforesaid observation and direction.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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