

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3181 of 2022

=====

Sangram Welfare Society Gram Panchayat Raj Masaurha, Block- Piparahi,
P.S.- Piparahi, District- Sheohar through the Secretary Shyambabu Gupta,
aged about 37 years, Male, S/o Kamal Prasad Gupta, resident of Village-
Masaurha, P.S.- Piparahi, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary Gramin Vikash Vibhag, Old Secretariat, Patna.
3. The Secretary Bihar Rural Development Society, Patna.
4. The Joint Secretary MNREGA, Patna.
5. The District Officer-cum- District Programme Co-ordinator MNREGA, Sheohar.
6. The District Development Commissioner District Gramin Vikash Abhikaran, Sheohar-cum- Additional District Programme Co-ordinator, Sheohar.
7. The District Planning Officer Sheohar.
8. The Block Development Officer Piparahi, District- Sheohar.
9. The Block Programme Officer Piparahi, District- Sheohar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Kumod Kumar Shrivastaw
For the Respondent/s	:	Mr.Anjani Kumar, AAG 4
		Mr. Alok Kumar Rahi, AC to AAG 4

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 11-03-2022

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



(a) For a direction to the concerned authorities/Respondents to make high level enquiry of the number of "Bakari Sheds" made by and under the Control of the Block Programme Officer, Block- Piprahi, District- Sheohar by the recommendation of the

Concerned Panchayat Samittee as well as the expense incurred in constructing these "Bakari-Sheds and the amount taken/ transferred from the related Govt. fund against it as well as the quantity and quality of materials which are also utilised substandard and against the norms prescribed for the same under "MNREGA" Scheme which has been financed by the Government of India, Ministry of Rural Development Department of Rural Development.

(b) For a direction to the concerned authorities respondents to take every legal action to refund the amount which are illegally/fraudulently withdrawn by/paid through the respondent no.9 against illegal construction i.e. against the prescribed norms and regulations or without construction if they are found so in the high level enquiry.



- (c) For a direction to the respondents authorities to stop any further payment to the respondent no.9 and other concerned persons if/any till the enquiry is not completed.
- (d) For issuance of other writ/writs, order/orders, direction/directions in the ends of justice.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, states that petitioner be permitted to take recourse to such equally, efficacious alternative remedies as are otherwise available in law, including the MANREGA Scheme.

Permission granted.

We clarify that we have not adjudicated the dispute on merits. All questions of fact and law are left open to be agitated and adjudicated before the appropriate forum in accordance with law.

As and when such proceeding is initiated, the same shall be considered and decided in accordance with law.



Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	22.03.2022
Transmission Date	

