

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6755 of 2020

=====

Manju Devi Wife of Upendra Prasad Resident of Mishrauliya, P.O.-
Mishrauliya, P.S.- Chiraiya, District- East- Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt of Bihar, Patna.
2. The Chief Secretary, Govt of Bihar, Patna.
3. The Second Appellate Authority cum the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The Accountant General, Bihar, Beerchand Patel Path, Patna.
5. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
6. The District Magistrate, East Champaran, Motihari.
7. The Deputy Development Commissioner cum Chief Executive Officer, ZilaParishad, Motihari.
8. The Chairman, ZilaParishad, Motihari.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate Mr. Maria Nazir, Advocate
For the State	:	Mr. Alok Ranjan, AC to AAG-5 Mr. Manish Kumar, AC to AAG-6
For Zila Parishad	:	Mr. Sanjay Kumar, Advocate Mr. Prabhat Ranjan, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 23-11-2022

Heard learned counsels for parties.

2. In the present petition, petitioner has prayed for
following reliefs:-

"i. For issuance of writ in the
nature of Mandamus commanding the
Respondents to comply with the Order
dated 13.11.2019 passed by The Principal



Secretary, Department of Panchayati Raj cum Second Appellate Authority under the provisions of the Bihar Public Grievance Redressal Act whereby and where under the respondent no. 7 i.e. the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Motihari was directed to return the entire unutilized amount of the Grant-in-aid received under 13th Finance Commission, to the tune of Rs. 3,43,62,761.00 (Rupees Three Crore, Forty-Three Lakh, Sixty-Two Thousand, Seven Hundred and Sixty-One), within 15 days from the date of the Order i.e. 13.11.2019 and also furnish explanation as to why Departmental Directions were not complied with.

ii. For issuance of writ in the nature of Mandamus commanding the Divisional Commissioner, Tirhut Division, Muzaffarpur, to initiate an inquiry into the irregularities committed by the officials of the Zila Parishad and to ensure that appropriate actions are taken against the defaulting officers.

iii. And also, for necessary relief/ reliefs, order/ orders, direction/ directions to which the Petitioner will be entitled in the law as well as in the facts of the case."

3. Learned counsel for the petitioner was asked as to whether before filing the present petition whether petitioner had approached 7th Respondent in furnishing representation or not? For which learned counsel for the petitioner relied on Annexure 3 and 9. Perusal of Annexures 3 and 9 is not with reference to prayer no. 1.

4. In the light of these facts and circumstances,



petitioner is not entitled to writ of mandamus under Article 226 of the Constitution. For issuance of writ of mandamus two ingredients are mandatory, namely, statutory right read with demand before the competent authority.

5. Perusal of Annexures 3 and 9 it is evident that sufficient material has not been placed on record. In other words, specific demand is not before 7th Respondent or competent authority so as to issue direction to the concerned Respondent in terms of prayer no. 1.

6. Accordingly, present writ petition stands dismissed. Dismissal of present petition would not come in the way of filing a detailed representation or legal notice to the concerned authority. If such representation or notice is issued, the concerned Respondent is hereby directed to examine and proceed in accordance with law.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.11.2022
Transmission Date	

