

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11238 of 2021

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Bijendra Mishra S/o Radha Mishra R/o Village Kateya, Post Kateya, District Bhojpur, PO and PS kateya, Bihar 802152

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate Cum Collector, Ara, Bhojpur, Bihar
3. Jila Lok Shikayat Niwaran Padadhikari, Bhojpur, Bihar
4. Block Development Officer, Bhojpur, Bihar
5. Jila Bhavishya Nidhi Padadhikari, Bhojpur, Bihar
6. Jila Sankhyaki Padadhikari, Bhojpur, Bihar
7. Jila Panchayat Raj Padadhikari, Bhojpur, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 07-03-2022 Heard learned counsel for the parties.

On a complaint made under the Bihar Right to Public Grievance Redressal Act, 2015, the District Public Grievance Redressal Authority, Bhojpur has passed an order dated 28.01.2021, which is under challenge in the present writ application.

The petitioner, at the relevant point of time, was the Mukhiya of Kateya Gram Panchayat in the district of Bhojpur.



Considering the complaint filed against the petitioner under the said Act and the materials available on record, directions have been issued, *inter alia*, to register FIR against the petitioner and take action under the Bihar and Orissa Public Demand Recovery Act, 2014.

Learned counsel appearing on behalf of the petitioner has submitted that the impugned order dated 28.01.2021 is in violation of principles of natural justice, inasmuch as, no opportunity was ever given to him before taking any penal action.

We notice from the impugned order that the District Public Grievance Redressal Authority had also recommended for removal of the petitioner from the post of Mukhiya on the ground of misconduct. Since the petitioner is no more Mukhiya of Gram Panchayat, no action has been taken for his removal.

We are not inclined to entertain this writ application for more than one reasons. Firstly, the petitioner has alternative remedy of appeal against the impugned order dated 28.01.2021, which he has not invoked. Secondly, the direction to register FIR and initiate action for recovery of amount under the Public Demand Recovery Act cannot be said to be penal in nature. The petitioner shall certainly have adequate opportunity to defend



himself in the criminal case and raise objection against recovery of any amount in accordance with law.

This writ application is accordingly dismissed. It goes without saying that the petitioner shall have the liberty to take all such plea which are available to him before appropriate forum, if any action is taken against him.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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