

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9734 of 2022

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Rajan Kumar Son of Binod Chaudhari, Resident of Village- Repura, P.O. Jaitpur, Gram Panchayat- Rampur Vishwanath, P.S. Saraiya (Jaitpur O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
5. The Deputy Development Commissioner, Muzaffarpur, District- Muzaffarpur.
6. The Block Development Officer, Saraiya, District- Muzaffarpur.
7. The Block Pramukh, Block Panchayat Samiti, Saraiya, District- Muzaffarpur.
8. The Panchayat Samiti, Member of territorial constituency falling under Gram panchayat Raj, Rampur Bishwanath of Block Panchayat Samiti, Saraiya, District- Muzaffarpur.

... .. Respondent/s

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(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.)

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv
For the Respondent/s : Mr.Ajay (GA5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-07-2022

Heard learned counsel for the parties.

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

- (I) For issuance of an appropriate writ in the nature of **MANDAMUS** commanding and directing the Respondent Authorities to make a detail enquiry with respect to embezzlement /misappropriation of fund in renovation of government pond situated behind Up-graded Middle School under Gram Panchayat Raj , Rampur Vishwanath of Saraiya Block of Muzaffarpur District on the ground that the said pond was constructed since before and renovation of the said pond has not been made by the Respondent Nos.7 and 8 in connivance with the Respondent no.6 as well as other officers associated with the said work and after making forged vouchers , the public money has been withdrawn /misappropriated .
- (II) For issuance of an appropriate writ in the nature of **MANDAMUS** commanding and directing the Respondent Authorities also to make enquiry with respect to the work done under the MANREGA Scheme such as construction of road , Bandh , digging of pond by the labourer on the ground that in the said work , the labourers have not been used and after making their forged signature or impression in the Master Roll , the amounts have been sent in the respective accounts of the labourer and in connivance of the said labourers , the public money have been withdrawn .
- (III) For issuance of an appropriate writ in the nature of **MANDAMUS** commanding and directing the Respondent Authorities to take suitable action against the erring public representatives as well as the erring officers, who indulged in misappropriation of the public money .

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)

ranjan/-

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