

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.217 of 2022

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Md. Zahiruddin, Son of Md. Allauddin, Resident of Village-Neerpur, P.S.-
Dhamdaha, District-Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Fishery Resource Department, Government of Bihar, Patna.
3. The Principal Secretary, Planning and Development Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Muzaffarpur.
5. The Superintending Engineer, Local Area Engineering Organization, Tirhut Division, Muzaffarpur.
6. The District Magistrate, Purnea.
7. The Deputy Development Commissioner, Purnea.
8. The District Panchayat Raj Officer, Purnea.
9. The Executive Officer, Local Area Engineering Organization (LAEO) Work Division, Purnea.
10. The Block Development Officer, Dhamdaha, District-Purnea.
11. The Circle Officer, Dhamdaha, District-Purnea.
12. The Circle Inspector, Dhamdaha, District-Purnea.
13. The Mukhiya, Gram Panchayat Raj, Nirpur, Block Dhamdaha, District-Purnea.
14. The Anchal Amin, Dhamdaha, District-Purnea.
15. The Panchayat Secretary, Gram Panchayat Raj, Nirpur, Block-Dhamdaha, District-Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar, Advocate
For the Respondent/s : Mr.Ajay (G.A. 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 13-01-2022

Heard learned counsel for the parties.

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

“i. For issuance of direction to the District Magistrate, East Champaran, Motihari to ensure construction of Panchayat Sarkar Bhawan of Nirpur Panchayat in the village Nirpur, itself as the Panchayat Sarkar Bhawan is being constructed at village Kasmara and that too upon the land of Upgraded Middle School, Kasmara in violation of Guideline as contained in Letter No. 1436 dated 26.02.2019 issued by the Principal Secretary, Panchayat Raj Department, Government Bihar, Patna.

Petitioners also prays for direction to the District Magistrate, Purnea to ensure construction of said Panchayat Sarkar Bhawan also as per the site plan approved by the Panchayati Raj Department Government of Bihar, Patna which prescribes that the land for construction of Panchayat Sarkar Bhawan shall be in rectangle shaped 51.82 meterX39.63 metre in size, whereas the present land for the construction of said Panchayat Sarkar Bhawan, Dumra is being contrary to the site plan.

ii. For issuance of direction to the respondent authorities to immediately stop wastage and mis-utilization of public money of Rs. 1.24,79,700/- which is being used for construction of Panchayat Sarkar Bhawan at Nirpur Block, District Purnea, which is being constructed illegally in gross violation of direction of the Principal Secretary, Panchayat Raj Department, Government Bihar, Patna as contained in letter no. 1436 dated 26.02.2019.

iii. For any other relief/reliefs for which the petitioner may be deemed entitled too.”

3. After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. **(Respondent No. 6, the District Magistrate, Purnea) or any of the statutory authority** to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

4. Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and

speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

7. The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	