

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4364 of 2023

1. Anand Paswan, Son of Baleshwar Paswan, Resident of Village and P.O.- Semariya Ojha Patti, Ward No. 07, Grampanchayat Semariya, P.S.- Shahpur, District- Bhojpur.
2. Lalan Pandit, Son of Late Parikhan Pandit, Resident of Village and P.O.- Semariya Ojha Patti, Ward No. 04, Grampanchayat Semariya, P.S.- Shahpur, District- Bhojpur.
3. Usha Devi, Wife of Late Shivanand Ojha, Resident of Village and P.O.- Semariya Ojha Patti, Ward No. 02, Grampanchayat Semariya, P.S.- Shahpur, District- Bhojpur.
4. Renu Devi, Wife of Ashok Ram, Resident of Village Bhaisaha Tola, P.O.- Bariswan, Ward No. 01, Grampanchayat Semariya, P.S.- Shahpur, District- Bhojpur.
5. Durgadatt Tiwary Son of Late Rangnath Tiwary, Resident of Village Gosaipur, P.O.- Shahpur, Ward No. 08, Grampanchayat Semariya, P.S.- Shahpur, District- Bhojpur.
6. Baby Devi Wife of Mukesh Tiwary, Resident of Village Dudhghat, P.O.- Bilouti, Ward No. 10, Grampanchayat Semariya, P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The District Collector, Bhojpur at Ara.
4. The District Panchayati Raj Officer, Bhojpur at Ara.
5. The Deputy Development Commissioner, Bhojpur at Ara.
6. The Block Development Officer, Shahpur, Bhojpur.
7. The Block Panchayati Raj Officer, Shahpur, Bhojpur.
8. The Block Nodal Officer, Shahpur, Bhojpur.
9. Gramin Awas Asistant/Observer, Grampanchayat Semariya, Block- Shahpur, District- Bhojpur.
10. The Panchayat Secretary, Grampanchayat Semariya, Block- Shahpur, District- Bhojpur.
11. The Mukhiya, Grampanchayat Semariya, Block and P.S.- Shahpur, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate



For the Respondent/s : Mr. Ajay, GA-5

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 26-04-2023

The Writ application has been filed as a public interest litigation (PIL) raising specific allegations against a *Mukhiya* (Respondent No. 11) of having indulged in illegal and irregular preparation of list of beneficiaries under the Prime Minister Awas Scheme (Rural) in the district of Bhojpur at Ara.

The petitioners are in fact ward members of the gram panchayat in question of which respondent No. 11 is the *Mukhiya* and regarding which the allegations have been levelled in the writ petition.

Closer scrutiny of the averment made in the writ petition reveals that the grievance raised by the petitioners is founded on the factual allegation of meetings of the ward sabha not being conducted in accordance with the provisions of Bihar Panchayat Raj Act.

The Bihar Panchayat Raj Act and Rules made thereunder contain the procedure prescribing the remedy to members of the gram panchayat by way of a democratic process.

We are, therefore, of the opinion that resort to the writ



jurisdiction of this Court, by way of public interest litigation, bypassing the democratic process as per prescription contained in the Bihar Panchayati Raj Act and Rules, lacks *bona fide*.

Without expressing any opinion on the merits of the allegation raised by the writ petitioners, we are not inclined to proceed in the matter as a public interest litigation.

The writ petition is accordingly dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

SUMIT/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.05.2023
Transmission Date	NA

