

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.242 of 2019

In
Civil Writ Jurisdiction Case No.23444 of 2013

=====

Kiran Devi, Wife of Ram Janam Yadav, Resident Of Village- Gamhara, P.S.-
Jamhor, Distt.- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Rural Development, Patna, (Bihar).
2. The Deputy Development Commissioner, Aurangabad.
3. The District Magistrate, Aurangabad.
4. The Programme Officer, Block- Kutumba, District- Aurangabad.
5. The Programme Officer, Deo, Rafiganj, Baroon, Goh, Distt.- Aurangabad.
6. The Chairman, Zila Parishad, Distt.- Aurangabad.
7. Digvijay Paswan, Son of Sri Jagdish Paswan, Resident of Village- Suhi, P.S.- Kutumba and distt.- Aurangabad.
8. Sanju Devi Wife of Sri Santosh Kumar, resident of Village Deo Tola Sarenga, P.S.- Deo and Distt.- Aurangabad.
9. Suresh Prasad Yadav, Son of Sri Basudeo Yadav, resident of Pakadi, P.S.- Goh, and Distt.- Aurangabad.
10. Gaya Prajapati Son of Saudagar Prajapati resident of Village Banchar Khurd, P.S.- Rafiganj, and Dist.- Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Yugal Kishore, Advocate
For the Respondent/s : Mr.Anjani Kumar,AAG-4

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-09-2023

The appellant, who was one of the writ petitioners before this Court, is challenging the judgment of the learned Single Judge. The writ petition was filed by five



persons, who took upon themselves, implementation of various schemes of the Zila Parishad in the year 2007-08. They were also members of the Zila Parishad, who executed the work under the various schemes, for which due amounts were not paid, was the contention.

2. At the outset, it has to be noticed that the schemes were implemented in the year 2007-08 and 2008-09. If at all there was a claim for money, a suit should have been instituted within three years, as per the Limitation Act. No such proceedings were taken and representations alone were filed. The Hon'ble Supreme Court has categorically declared that unrepresented memorials do not save limitation or negate the delay in approaching the appropriate forum. Again, it has to be noticed that the writ petition itself was filed in the year 2013, after four to five years from the implementation of the scheme.

3. The learned Single Judge had also considered the detailed counter affidavit, filed on behalf of the State. The District Magistrate, Aurangabad had constituted an inquiry team headed by the Director, National Employment Programme, DRDA, Aurangabad for verification/inspection of the concerned schemes. The inquiry team examined the implementation of the schemes, which was under an agreement executed by the



petitioners. The terms and conditions of the agreement were not followed and most of the schemes were left in an incomplete condition. The petitioners had a responsibility to complete the work within the stipulated time, which they did not do. There was also further allegation of misuse/misappropriation of money by the petitioners and deprivation of the general public from the benefit of the schemes.

4. We find no reason to entertain the appeal and dismiss the same.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	11.09.2023
Transmission Date	

