

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3887 of 2023

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Madan Prasad, Son of Shri Desai Prashad, Resident of Village - Chuhari, P.S.
- Chanpatia, Distt. - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Old Secretariat, Patna.
2. Rural Works Department, Govt. of Bihar, Patna through its Principal Secretary.
3. Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
4. Panchayati Raj Department, Govt. of Bihar, Patna through its Principal Secretary.
5. Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
6. Vigilance Department, Govt. of Bihar, Patna through its Additional Chief Secretary.
7. Additional Chief Secretary, Vigilance Department, Govt. of Bihar, Patna.
8. District Magistrate, West Champaran.
9. Deputy Development Commissioner, West Champaran.
10. District Programme Officer, District Rural Development Agency, West Champaran.
11. Director, Lekha Prashasan evam Swaniyojan, District Rural Development Agency, West Champaran.
12. Block Development Officer, Chanpatia Block, West Champaran.
13. Prabhat Kumar, Mukhia, Chuhari Panchayat, Chanpatia Block, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. Ajay, GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

3 07-04-2023 The writ petition has been filed as a Public Interest Litigation (PIL) seeking directions to enquire into the matter of defalcation of government money by a *Mukhiya*.

Vague and sweeping allegations have been made



regarding irregularity in execution of schemes at the level of the Gram Panchayat and consequent misappropriation/embezzlement of funds.

This Court would find that the Bihar Panchayat Raj Act provides a statutory framework wherein issues sought to be raised in the instant proceedings are capable of being raised before Authorities prescribed under the said Act.

The petitioner also has remedy under the other general laws in respect of the alleged misappropriation/embezzlement of public money.

Without expressing any opinion on the merit of the petitioner's claim, we refuse to exercise our discretionary jurisdiction under Article 226 of the Constitution of India, leaving open all other remedies available to the petitioner, in accordance with law. We clarify that we have not expressed any opinion on the merits of the petitioner's allegation.

Writ petition is accordingly dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

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