

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6971 of 2023

Gram Panchayat Raj, Kaitha Block - Fullidumar, District - Banka through the Mukhiya namely Chandan Kumar (male), aged about - 33 years, Son of Arun Yadav, resident of village- Kaitha, P.O. Belsira, P.S. - Fullidumar, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Banka, District - Banka.
5. The District Panchayat Raj Officer, Banka, District - Banka.
6. The Block Development Officer, Fullidumar, District - Banka.
7. The Circle Officer, Fullidumar, District - Banka.
8. The Block Panchayat Raj Officer, Fullidumar, District - Banka.
9. The Superintendent Engineer, Local Area Engineering Organization, Works Circle, Bhagalpur.
10. The Executive Engineer, Local Area Engineering Organization, Works Division, Banka.
11. The Assistant Engineer, Local Area Engineering Organization, Works Division, Banka.
12. The Junior Engineer, Local Area Engineering Organization, Works Division, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate
For the Respondent/s : Mr. Kinkar Kumar (SC- 9)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 11-12-2023

Heard Mr. Awnish Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Kinkar Kumar,
learned SC-9 appearing on behalf of the respondent/s.



2. The petitioner has filed the writ petition for following relief(s):

*“(I) For issuance of an appropriate writ in the nature of **MANDAMUS**, commanding and directing the Respondent nos. 1 and 2 for released of a sum of Rs. 41,89,194/- in favour of the Respondent no. 5 in pursuance of his letter no. 1622 dated 12.09.2022 for payment to the petitioner against the work done by him regarding construction of Panchayat Sarkar Bhawan in Gram Panchayat Raj, Kaitha on the ground that if the measurement of work done by the petitioner for construction of aforesaid Panchayat Sarkar Bhawan has already been taken by the competent authority and they have already submitted the measurement book to the Respondent no.5.*

*(II) For a declaration that if the petitioner had constructed the Panchayat Sarkar Bhawan of Gram Panchayat Raj, Kaitha in the same plot for which no objection was granted by the Circle Officer and the technical and administrative approval was granted by the competent authority, the Respondent no. 4 is not justified to take objection regarding payment of the petitioner against the work done on the ground that the nature of land where the construction has been done is “**KOHRiya**”, particularly when on the same plot bearing plot no. 373 several public premises have been constructed in past.*

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petition would be found entitled under the facts and circumstances of the case.”

3. Mr. Kinkar Kumar, learned counsel appearing on behalf of the State submitted that if the petitioner has any grievance for release of Rs. 41,89,194/-, he has remedy before the appropriate authority, where he can show the measurement book, which has duly been signed by Respondent No. 5- The District Panchayat Raj Officer, Banka. The Respondent No. 5 has illegally put his signature on the measurement book in



connivance with the petitioner as any construction, which was required to be made must have been firstly passed by the Executive Committee and the District Administration.

4. Considering the aforesaid fact that petitioner, who is a Mukhiya of Gram Panchayat Raj, Kaitha, has spent a sum of Rs. 41,89,194/- for construction of Panchayat Sarkar Bhawan in Gram Panchayat Raj, Kaitha, and the construction work was duly supervised by the respondent no. 5, who has put his signature on the measurement book submitted by the petitioner during the course of construction, as well as, after the completion of the building. The District Magistrate, Banka, is directed to verify from the records, as well as, also give his specific finding, as to whether, there is such jurisdiction vested with the Mukhiya of the Gram Panchayat to obtain loan in his own name and then spend for construction of any building for the development of the Gram Panchayat under government scheme.

5. The District Magistrate, Banka, is directed to take appropriate action against all the government functionaries, who were involved in passing of the measurement book and other affairs of the Gram Panchayat, in case they have not been acted in accordance with law.



6. The petitioner may avail appropriate remedy before the competent Civil Court having jurisdiction.

7. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	14.12.2023
Transmission Date	N/A

