

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5674 of 2016

Shibu Pandit Son of Late Sumer Pandit, resident of Village - Pakahi, Post-Jhajhada, Police Station- Kusheswarasthan, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Director, I.C.D.S, Govt. of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Darbhanga.
5. The District Programme Officer, Darbhanga.
6. The Sub Divisional Officer, Biraul, Darbhanga.
7. The Block Development Officer, Kusheswarasthan, Darbhanga.
8. The C.D.P.O, Kusheswarasthan, Darbhanga.
9. The Circle Officer, Kusheswarasthan, Darbhanga.
10. The Executive Officer, Zila Parishad, Darbhanga.
11. Smt. Nirmala Devi, Sahaika Aanganbari Centre No-064, Ward No-5, Village- Pakahi, Post- Jhajhada, Police Station Kusheswarasthan, District Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sita Ram Yadav, Advocate Mr. Bimal Kumar, Advocate
For the Respondent/s	:	Mr. Raghwendra Kumar, SC-22 Mr. Ravi Ranjan, AC to SC-22

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 13-02-2023

Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner submits that vide Annexure-3 to the writ application he had filed a representation before the District Magistrate, Darbhanga bringing to his notice



that at Gram Panchayat Raj Pakahi Jhajhada an Aanganbari Centre was constructed at village Pakahi, Ward No. 5, Centre No. 064 for which no objection certificate was also issued by the Circle Officer and the Block Development Officer, Kusheswarasthan, District Darbhanga. Further, despite an Aanganbari Centre being constructed as aforesaid, again on the raiyaiti land of Nirmala Devi another Aanganbari Centre is being constructed by the Zila Parishad with respect to the same Ward No. 5, Centre No. 64, for which an application was submitted before the Collector on 06.03.2015 based on which the Deputy Development Commissioner, Darbhanga was asked to act on the representation. Further, the Block Development Officer and the Circle Officer, Kusheswarasthan, District Darbhanga, had submitted their inquiry report confirming the illegal construction, as such, it was prayed that the money utilized by the Zila Parishad for construction of the Aanganbari Centre be recovered from the erring persons.

Learned counsel submits that despite the representation filed before the Collector, no action till date has been taken, which necessitated the filing of the present writ application seeking a writ of mandamus for a direction upon the authorities to conduct an inquiry and to suitably punish the person involved in the matter by lodging criminal case.



Learned counsel for the State submits that the counter affidavit has been filed on behalf of the CDPO, wherein the fact as stated in the writ application is not disputed but specific statement has been made that on account of inadvertence the two Aaganbari Centres were constructed at the same place. It is also submitted that the counter affidavit clearly records that there is no embezzlement of any public money.

Be that as it may, the writ application is disposed of with a direction that if the petitioner files a fresh representation before the Collector, Darbhanga, the Collector will get the matter inquired keeping in mind the fact that in the counter affidavit it has been specifically stated that there is no embezzlement of any public money and the construction was done inadvertently.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.02.2023
Transmission Date	

