

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9268 of 2023**

Sudhir Kumar Ishwar @ Sudhir Kumar Son of Late Madhu Kant Ishwar,  
Resident of Gram Panchayat Raj, Burheb Inaitpur,P.S- Ghanshyampur,  
District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Deputy Development Commissioner, Darbhanga.
5. The Sub Divisional Officer, Biraul, Darbhanga.
6. The Circle Officer, Ghanshyampur, Darbhanga.
7. The Block Development Officer, Ghanshyampur, Darbhanga.
8. The Then Gramin Awas Assistant under B.D.O., Ghanshyampur, Darbhanga.
9. Sri Ravindra Kumar Prasad, Present Gramin Awas Assistant, Under B.D.O- Ghanshyampur, Distt- Darbhanga.
10. Sri Amar Mukhia Present Assistant Clerk- Block-Ghanshyampur, District- Darbhanga.
11. Hari Kishan, Gramin Awas Assistant, Ghanshyampur, Dist- Darbhanga.
12. Sri Hari Krishna Chaudhary, Present Gramin Awas Assistant, Benipur, District- Darbhanga.
13. Mohd. Rahamattulla Ansari, Present Assistant Ghanshyampur, District- Darbhanga.
14. Sri Satya Prakash Singh, Gramin Awas Prawaysak, Ghanshyampur, District- Darbhanga.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr.Saroj Kumar, Advocate             |
| For the Respondent/s | : | Mr.Kapileshwar Prasad Yadav (GP- 11) |
|                      |   | Mr. S.C. Bhasakar, Advocate          |
|                      |   | Ms. DimpalKumari, AC to GP-11        |

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 10-10-2023**



The petitioner has filed the above Public Interest Litigation seeking appropriate action against the respondent Nos 7 and 8 for their deliberate inaction in providing assistance under the Prime Minister Housing Scheme to eligible persons and disbursing it to ineligible person. The petitioner also claimed in the writ petition that these irregularities were pointed out in Annexure-1 before the District Magistrate, Darbhanga which was not at all considered by the authorities.

2. A Counter affidavit is filed on behalf of the respondents No. 3, 4, 5 and 7 dated 17.8.23. In the counter, it is pointed out that the SDO, Birraul has submitted Annexure-3 enquiry report before the Sub-Divisional Public Grievance Redressal Officer, Biraul, Darbhanga. The S.D.O. has also made a report to the Deputy Development Commissioner (DDC), Darbhanga who issued notice to the Block Development Officer, Ghanshyampur as per Annexure A and A1. Annexure B series was also forwarded by DDC, Darbhanga to the S.D.O., Biraul for report which has been responded to by Annexure-C and C1.

3. The report of the DDC, Darbhanga filed before a Sub-Divisional Public Grievance Redressal Officer, Biraul was extracted in the counter affidavit. We directed an English



translation to be provided which has been placed on record along with the supplementary affidavit dated 4.10.2022. We see that the DDC has dealt with specific instance of irregularities found in the disbursal of Pradhan Mantri Awas Yojana under Budhev Inayatpur Panchayat. The petitioner herein has also been referred to as, the person who pointed out many of these. Explanations were called for and recoveries made from certain persons. In fact, all this material has been placed before the District Magistrate, Darbhanga which is the District Appellate Authority from the Public Grievance Redressal Cell.

4. A reply affidavit has been filed, raising a number of contentions and also alleging that there is no punitive action taken against the erring Officials.

5. We are of the opinion that when the matter is seized of by the District Magistrate, who is also the Appellate Authority under the Public Grievance Redressal Scheme, there is no scope for a Public Interest Litigation. The matter having been taken up before one authority, we are not inclined to entertain the petition and we close the same; making it clear that we have not said anything on the merits of the issues projected before the District Appellate Authority which has to be considered by the said authority. The Public Interest Litigation



is closed.

(K. Vinod Chandran, CJ)

( Rajiv Roy, J)

Anushka/-

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| AFR/NAFR          |            |
| CAV DATE          |            |
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