

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 18443 of 2021**

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1. Sanjay Kumar Sinha, Son of Late Jai Narain Prasad Sinha, the Municipal Councilor of Ward No. 21, Bhagalpur Municipal Corporation, Bhagalpur, Resident of Digamber Sarkar Lane, Mohalla-Jogsar, P.S.-Kotwali (Aadampur), Town and District-Bhagalpur.
2. Pankaj Kumar Das, Son of Late Ganesh Ravidas, the Municipal Councilor of Ward No. 6, Bhagalpur Municipal Corporation, Bhagalpur, Resident of C.T. Lane, Mohalla-Champanagar, P.S.-Nath Nagar, Town and District-Bhagalpur.
3. Md. Umar Chand, son of Md. Al Farooq, the Municipal Councilor of Ward No. 27, Bhagalpur Municipal Corporation, Bhagalpur, Resident of Mohalla-Mayaganj, P.S. Barari, Town and District-Bhagalpur.
4. Govind Banerjee, son of Purnendu Kumar Banerjee, the Municipal Councilor of Ward No. 25, Bhagalpur Municipal Corporation, Bhagalpur, Maharaj Ghat Road Khanjarpur, P.S.-Barari (Kotwali), Town and District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Additional Director General, Vigilance Investigation Bureau, Bihar, Patna-1.
5. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
6. The District Magistrate, Bhagalpur.
7. The Additional District Magistrate, Bhagalpur.
8. The Mayor, Bhagalpur Municipal Corporation, Bhagalpur.
9. The Deputy Mayor, Bhagalpur Municipal Corporation, Bhagalpur.
10. The Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.
11. The Deputy Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s        | : | Mr. Purushottam Kumar Das, Advocate<br>Ms. Rani Swati, Advocate<br>Mr. Ajay Kumar Jha, Advocate |
| For the Bhagalpur Municipal | : | Mr. Manish Kumar, Advocate                                                                      |



Corporation

For the State : Mr. Yogendra Prasad Sinha ( AAG-7)  
Md. Najmul Hodda, Advocate  
For the Respondent No. 8 : Mr. Y.V. Giri, Sr. Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 25-04-2023**

1. The petition allegedly motivated by public interest has filed the above writ petition seeking a fair and impartial inquiry and investigation regarding the ‘recently precipitated large scale multiple scams’ pertaining to issuance of trade license, liquor license, making fake appointments, exhausting the exchequer of the Bhagalpur Municipal Corporation, under camouflage of payment of salaries, to persons styled as employees, but are working in different business organizations owned and run by the husband and other kith and kin of the mayor’(sic). It is also alleged that the aforesaid allegations arise from an illegal contract to a named person, who is the husband of the present Mayor of Bhagalpur, Municipal Corporation. The petitioners claim to be public spirited socio political activists, who are also admittedly the elected Municipal Corporators of Bhagalpur.

2. It is alleged that the petitioners highlighted the multiple scams, made reference to earlier, resulting from the misdeeds of the Corporation, which connived with the Mayor to misappropriate funds and siphon it off.



It is also admitted that a committee was appointed under Annexure-1 to inquire into the alleged maladministration and misappropriation of funds which was at best an eye-wash intended at merely pacifying the public, who were up in arms against the Corporation. Further allegations are raised against the husband of the Mayor based on Annexure-4 screenshot of messages and unauthenticated copies of statements of accounts of the said person. There are also produced Annexure-5 newspaper reports in support of the allegations raised.

3. It is very pertinent that but for broad allegations made of scams having been perpetrated in the nature of issuance of trade licenses, liquor licenses and making false appointments, neither the Mayor was impleaded in her personal capacity nor was her husband, against whom gross allegations are raised, made a party to the writ petition. We also specifically inquired with the learned counsel as to the instances of issuance of trade licenses, liquor licenses and fake appointments; which does not find a place in the memorandum of writ petition. There is also none impleaded on the allegation of having received salary while working in private organisations. The writ petition itself is filed based on unsubstantiated allegations, wildly raised against political opponents.

4. We also queried the learned counsel for the petitioner as to whether any action was taken against the Mayor in the Council of the Municipal Corporation, by the petitioners, who are admittedly elected



representatives of the local body. It is admitted by the learned counsel that a no-confidence motion was moved which was defeated and even the writ petition challenging the same was dismissed by this Court. Obviously the present writ petition is ill motivated.

5. The counter affidavit dated 20.12.2021, sworn to by the City Manager indicates proceedings having been taken against one trade license and even appropriate proceedings taken for refund of the misappropriated amounts. The allegation of one person who was said to be working in the petrol pump of the husband of the Mayor was inquired into and the in-charge of the health section was asked to relieve all persons employed against whom allegations were raised of working in the petrol pump. Some officers of the Sanitary Department were also suspended and disciplinary inquiry is pending against them. The allegations regarding the deployment of a water tank was also inquired into and rectified.

6. The Mayor, who was impleaded as 8<sup>th</sup> respondent in her official capacity has also filed a counter affidavit specifically referring to the constitution of an inquiry committee under the Chairmanship of the Additional Collector, Bhagalpur, to look into the allegations. It is specifically alleged that the above public interest litigation is only to create pressure on the Committee inquiring into the allegations.

7. The Deputy Superintended, Vigilance Investigation Bureau, who was impleaded as 4<sup>th</sup> respondent has submitted that a compliant has



been received by the Vigilance Investigation Bureau, which is sent to the Principal Secretary, Urban Development and Housing Department, Patna. The counter affidavit of the Vigilance Investigation Bureau is dated 23.02.2023 and the forwarding of the complaint to the Principal Secretary, Urban Development and Housing Department, is by a letter dated 26.10.2021.

8. We see from the counter affidavits filed that there is an internal inquiry initiated on the specific allegations and there is also a complaint filed before the Vigilance Investigation Bureau. The 4<sup>th</sup> respondent would follow up on the reference made to the Principal Secretary, Urban Development and Housing Department, Patna. However, we are of the opinion that there is no requirement to keep pending the writ petition which is instituted as a Public Interest Litigation, which we find to be unnecessary and ill motivated.

9. We dismiss the writ petition on the above grounds.

**(K. Vinod Chandran, CJ)**

**( Madhuresh Prasad, J)**

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