

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16924 of 2019

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Anup Anand Son of Manindar Nath Gupta Resident -Flat no. 104, Park View apartment, South S.K. Puri, P.S.- S.K. Puri, Patna-23, having its registered office in the name and design of Shakti Industrial Agency, registered office B-103, Dhanesh Dutt Palace, Gola Road, Danapur, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Executive Officer Nagar Parishad, Barh, District- Patna.
4. The Additional Director General, of Police, Department of Vigilance, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sarva Deo Singh, Advocate. Mr. Sanjay Kumar, Advocate.
For the Respondent/s	:	Mr. Subash Prasad Singh, GA-3.
For the Nagar Parishad	:	Mr. Ashok Kumar, Advocate. Mr. Anwar Karim, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 05-09-2023

Heard Mr. Sarva Deo Singh, learned counsel for the petitioner, Mr. Ashok Kumar, learned counsel duly assisted by Mr. Anwar Karim, learned counsel for the respondent Nagar Parishad, Barh, Patna and Mr. Subash Prasad Singh, learned GA-3 for the State.

2. The petitioner who was a agency through whom Nagar Parishad, Barh, was getting waste disposal done and with regard to non-payment of dues and subsequent cancellation of the agreement with him, he approached before



this Court by invoking the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India.

3. By the order of this Court dated 14.11.2019, the impugned order in so far it relates to the permanent debarment of the petitioner in participating in the future bids was stayed and it was observed that the order cancelling the agreement of the petitioner will be subject to result of the writ application.

4. Subsequently, this Court considering the materials available on record indicating allegation with regard to the work done by the petitioner on the one hand and with regard to the working of the Executive Officer of the Nagar Parishad on the other hand and also having considered the seriousness of the allegations, opined that the matter is required to be inquired at the level of the Vigilance Investigation Bureau, Department of Vigilance, Government of Bihar, Patna. Thus, vide order dated 19.02.2020, the newly added Additional Director General of Police, Department of Vigilance, Government of Bihar, Patna, was directed to constitute a team of competent person of proven integrity to look into the entire aspect of the issue, which are involved in the present case and take into its ambit the claim and counter-claim of the petitioner as well as Nagar Parishad including its



Executive Officer and shall verify the ground reality.

5. In deference to the order of this Court, the respondent no.4 has submitted a detailed inquiry report vide letter No.160, dated 07.12.2020 with a recommendation to institute FIR against the officials as well as the petitioner, against whom the allegation, *priam facie*, substantiated during the course of inquiry.

6. At this juncture, learned counsel for the Nagar Parishad, Barh, Patna, while drawing the attention of this Court to Sections 65, 66 and 67 of the Bihar Municipal Act, 2007 precisely submitted that since there is a recommendation of the Vigilance Department for institution of the FIR, however, before any appropriate action the final decision must be taken at the level of the State Government, who is the competent authority in the matter involved in the present application.

7. This Court having considered the submissions made on behalf of the Nagar Parishad and also after going through the inquiry report is of the opinion that the entire matter along with the report be placed before the Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna, who shall take



appropriate action in the matter after providing an opportunity of hearing to all the stakeholders, including the Nagar Parishad, Barh, Patna.

8. It is expected that the entire exercise must be completed within a period of three months from today.

9. The respondent no.4 is also directed to hand over a copy of the afore-noted vigilance inquiry report before the Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna, in a sealed cover, who shall take the final decision in the matter within the stipulated period.

10. Accordingly, the present writ application stands disposed of with the aforesaid observation and direction.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.09.2023.
Transmission Date	NA

