

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6443 of 2024

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Shri Prasad Yadav son of Sheetal Yadav, Resident of House no. 64 B, village - Marauna Tola, Ward no. 8, Gram Panchayat - Kabribadh Marauna, Block Marauna North, P.S. Marauna, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Commissioner, Kosi Division, Saharsa.
3. The District Magistrate, Supaul.
4. The Deputy Development Commissioner, Supaul.
5. The Lokpal, MANREGA, Supaul.
6. The Block Panchayati Raj Officer, Marauna Block, Supaul.
7. Block Development Officer, Marauna Block, Supaul.
8. District Programme Officer, Supaul.
9. Junior Engineer, MANREGA, Supaul.
10. P.O., Marauna Gram Panchayat (North), Supaul.
11. Panchayat Technical Assistant, Marauna Gram Panchayat (North), Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Abhijeet Abhigyan, Advocate Mr. Anil Kumar Mukund, Advocate
For the Respondent/s	:	Mr.P.K.Shahi, A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-04-2024

The above writ petition is filed seeking a mandamus directing the concerned authorities to initiate a certificate case against the office bearers of the Marauna Gram Panchayt, Supaul. It is alleged that there is proven embezzlement of public



money sanctioned by the concerned department for carrying out various local self-government schemes; to the tune of Rs. 6 lakhs approximately. The embezzlement of public money so carried out by the officials of the Marauna Gram Panchayat, Supaul is hindering the development of the Panchayat.

2. The petitioner but for making allegation of public embezzlement and alleging that it comes to around Rs. 6 lakhs, does not provide any substantiation of how the embezzlement occurred, under which schemes and in what manner the computation of Rs. 6 lakhs was arrived at. In fact, the petitioner's specific case, as stated in Paragraph-3, is that he had "vigilantly observed the failing and non-implementation of various schemes from close quarters, despite proven sanctioning and withdrawal of money"(sic). He also alleges that there is "incessant embezzlement of public money in the garb of various Panchayat schemes"(sic).

3. It would also be pertinent to observe that he does not name any specific official of the Gram Panchayat nor has he impleaded any of them as parties in person in the aforesaid case.

4. The documents produced are Annexure-1 series of RTI applications filed, Annexure-2 which is the response to the RTI applications, Annexure-3, which is an order passed by the



Sub-Divisional Public Grievance Officer, Supaul directing the Block Grievance Redressal Officer to conduct an inquiry into a matter, Annexure-4 a representation made by the petitioner, Annexure-5 an order directing the Ward Execution and Managing Committee to deposit an amount, Annexure-6 wherein the Block Panchayat Raj Officer has directed the Officer-In-Charge, Certificate Office, Supaul to initiate proceedings against one Bhola Yadav for recovery of money. Annexures-3, 5 and 6 clearly indicate that there are some actions taken by the District Authorities.

5. From the responses received based on the RTI application, there is nothing stated as to under which scheme, there was an embezzlement or a specific scheme which is said to have been implemented for which payments have been disbursed, having not come up in the Panchayat. Bland statements are made that though many are stated to be completed or on-going, they have not been completed and no construction is going on.

6. We find the public interest litigation to be misconceived. There is absolutely no material to substantiate the allegations and in fact, some of the documents produced clearly indicate that when defalcations are noticed, the District



Administration is taking appropriate action. We have also noticed that the petitioner did not implead any of the parties in person and merely speaks of broad allegations against many persons.

7. The writ petition would stand dismissed with a cost of Rs. 5000/- to be paid by the petitioner to the Bihar State Legal Services Authority. The said amount will have to be paid within a period of two weeks and if not, the Bihar State Legal Services Authority shall be entitled to proceed for recovery by taking measures similar to recovery of arrears due on land through the District Magistrate, in which event the petitioner shall be liable for the charges incurred for making such recovery, which have to be recovered by the State.

8. Let a copy of this judgment be transmitted to the Member Secretary, Bihar State Legal Services Authority.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.04.2024
Transmission Date	

