

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15279 of 2024

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Sanjay Kumar Singh Son of Late Kapleshwar Prasad Singh, Resident of
Mohalla-Sarda Nagar, Ward no. 27 P.O. and P.S Saharsa District Saharsa,
Bihar-852201.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and
Housing Department, Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Bihar, Patna.
3. The Municipal Commissioner, Saharsha Municipal Corporation, Saharsa.
4. The Deputy Municipal Commissioner, Saharsha Municipal Corpotation,
Saharsa.
5. The Mayor, Saharsa Municipal Corpotation, Saharsa.
6. The District Magistrate, Saharsa.
7. Aditya Kumar, Ex. Executive Officer, Saharsa Municipal Corporation,
Presently Posted as Executive Officer, Lakhisarai Municipal Corporation,
Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Raj, Advocate
For the Respondent/s : Mr. P. K. Shahi, Advocate General
For Municipal Corp. : Mr. Abhay Shankar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-10-2024

The petitioner has filed this writ petition seeking
an inquiry into the irregularities and corruption within the



Saharsa Municipal Corporation, which is said to be misutilizing and misappropriating public funds. It is also stated that the office of the Accountant General (Audit) Bihar, Patna, has issued a letter dated 24.08.2022 calling for explanation. The Mayor, Saharsa Municipal Corporation is also said to have addressed the Principal Secretary, Urban Development and Housing Department about the embezzlement carried out by the office of the Corporation. Except for a former Executive Officer, there is no one impleaded in the personal capacity. The office of the Accountant General has also not been impleaded.

2. The present writ petition is filed with the above prayers specifically making averments against the Door To Door Municipal Solid Waste collection and sewage disposal within the Nagar Nigam and also alleging that one JMKD having been allotted the work for waste disposal and allied works on temporary basis, by an arbitrary and illegal action. The said JMKD has also not been made a party in the writ petition.

3. The learned Counsel appearing for the respondent-Corporation points out that the appellant is in the habit of filing such writ petitions claiming public interest



based on which, he visits the offices of the Corporation and threatens its officials but later withdraws the writ petition. Two orders in separate writ petitions were produced before us; the records of which writ petition were called by us and perused.

4. C.W.J.C. No.7482 of 2023 was a public interest filed against the very same allegations of the Door To Door Municipal Solid Waste segregation/transportation having been entrusted to one Jai Maa Kooldevi Infrastructure Pvt. Ltd., (for brevity 'JMKD') which is again on public interest, which was withdrawn when the matter came up on 19.02.2024, as evident from the order of even date.

5. We also perused C.W.J.C. No.12043 of 2024 filed by the very same petitioner wherein his claim was against the implementation of Pradhan Mantri Awas Yojna. It was alleged that the list of priorities to beneficiaries for allotment of benefit under the said scheme was arbitrarily created. The said writ petition was also withdrawn on 14.08.2024, which is evident from the order of even date.

6. We agree with the learned Counsel for the respondent that the petitioner is a meddlesome interloper. The petitioner also has filed an earlier writ petition on the very



same contentions raised hereunder and withdrawn the same. There was no liberty sought to file a fresh writ petition on the very same averments and in the said circumstance, the present writ petition is a clear abuse of process of law.

7. On our expressing our mind, the learned Counsel sought for withdrawal of the writ petition, however, we reject the prayer especially finding the very same contentions having been agitated in the earlier writ petition, which was withdrawn. There can be no multiple proceedings on the very same issue and in any event, the action of the petitioner in filing a number of writ petitions allegedly on public interest and withdrawing the same, is not a good practice and has to be nipped at the bud.

8. We dismiss the writ petition with exemplary costs of Rs.15,000/- on the appellant, payable to the Bihar State Legal Services Authority. The said amount will have to be paid within a period of two weeks, failing which the Bihar State Legal Services Authority will 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 appellant shall also be liable for the charges incurred for making such recovery, which have to be recovered by the



State.

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

10. The writ petition stands dismissed with costs.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

sharun/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.10.2024
Transmission Date	

