

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13040 of 2023

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Md. Asharaf, Son of Md. Sulman, R/o- ChuramanChak, Begusarai, Bihar-851133.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department, Government of Bihar.
2. The District Magistrate, Begusarai.
3. The Deputy Development Commissioner, Begusarai.
4. The District Panchayati Raj Officer, Begusarai.
5. The Block Development Officer, Bhagwanpur Block, Begusarai.
6. The Block Panchayati Raj Officer, Bhagwanpur Block, Begusarai.
7. The Junior Engineer, Bhagwanpur Block, Begusarai.
8. Indrajeet Kumar, The Block Pramukh, Bhagwanpur Block, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate
Mr. Vikash Kumar, Advocate
Mr. Anupam Bahadur, Advocate
For the Respondent/s : Mr.P.K. Shahi (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-01-2024

The above writ petition is filed alleging



embezzlement of Rs. 6,86,000/- in the construction of a road in Bhagwanpur Block, Damodarpur Panchayat of Begusarai District. The road is said to have been constructed under Scheme No. 11/2022-23 of the 15th Financial Year but, however, the same is said to have been constructed even prior; by one Asha Devi who is the former Ward Member of Ward No. 3 under the scheme of 13/2020-21. It is also alleged that the Respondent Nos. 6 to 8 are the persons who have embezzled the money. The petitioner is said to have made representations before the authorities and it is also admitted that there was an inquiry conducted but, it has not been taken to its logical conclusion and the delinquent persons who embezzled money of the Government, on alleged constructions, which were not actually carried out, are let free.

2. A counter affidavit is filed on behalf of Respondent Nos. 2 to 6. In the counter affidavit it is stated that under Scheme No. 11/2022-23, the road was constructed which was said to have been constructed earlier by the Ward Kriyanbayan & Prabandhan Samiti of Ward No. 3 of Damodarpur Panchayat. Though the amounts were withdrawn at the earlier instance, there was no road constructed and it was hence the road was constructed in the subsequent year. The D.D.C., Begusarai had



made spot inspection of the road in question and statements were taken from the local residents. Smt. Asha Devi, whose affidavit was furnished as Annexure-10 in the writ petition, is said to have admitted that the road having not been constructed in her time and also returned the amount withdrawn. The documents evidencing the same have been produced as Annexure-R-2 to 6/A,B,C and D. The D.D.C., Begusarai and D.P.R.O., Begusarai have made physical verification of the road in question as constructed under Scheme No. 11/2022-23 by the Panchayat Samiti. An F.I.R. is also said to have been registered against Asha Devi whose affidavit was furnished along with the writ petition.

3. The petitioner has filed a rejoinder contending that the F.I.R. lodged against Asha Devi was with respect to another road construction. If the petitioner was aware of the same, the petitioner ought not to have relied on an affidavit furnished by the said person, who is an accused in a similar case. In any event, the counter affidavit of the State cannot be disbelieved. Obviously, the petitioner's attempt seems to be to somehow create a cloud so as to enable the actual culprits to escape.

4. We also have to notice that despite allegations made against Respondent Nos. 6 to 8, only the 8th Respondent has



been made a party in his private capacity.

5. We find absolutely no reason to proceed with the Public Interest Litigation and dismiss the same leaving the parties to suffer their respective costs.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

P.K.P./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	16.01.2024
Transmission Date	

