

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.17336 of 2024**

Kamlesh Kumar Son of Mahendra Singh Resident of Ward No 6, Bare, P.S.  
-Bhabua, District- Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Collector, Kaimur
3. Sub-Divisional Officer, Kaimur at Bhabua.
4. District Quality Monitor, Kaimur through D.M. Kaimur at Bhabua.
5. Block Development Officer, Kaimur at Bhabua.
6. Pramukh Panchayat Samiti, Bhabua, District-Kaimur.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Prabhakar Singh, Advocate  
For the Respondent/s : Advocate General

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)**

2      22-11-2024      Heard learned counsel for the petitioner and learned  
counsel for the respondents.

2. The petitioner who describes himself as a public spirited citizen having no personal interest in the matter has filed the instant application in the nature of a public interest litigation praying for a direction to the respondents to take



action against the person concerned for having made full payment to the contractor in connection with Plan no. 43/2023-24. Work related to the plan is sand work and Brick Bat filling in village Marichaw from Marichaw Nagar to Khaira river.

3. It is the case of the petitioner that inspite of the work not having been completed, the same was wrongly shown as having been completed and the amount of Rs. 3,53,439/ withdrawn. The total work was for Rs. 7,12,000/. It was submitted that work not having been completed and the amount embezzled would be evident from the letter dated 24.7.2024 written by the Sub Divisional Officer, Bhabua to the District Magistrate, Kaimur (Bhabua). It is submitted that though the writ application has been filed against the solitary scheme, however, such steps may have been taken in other schemes too which required to be monitored and inquired into by the competent authority.

4. Having heard learned counsel for the petitioner and learned counsel for the State of Bihar and having perused the records it transpires that though allegations of embezzlement of funds have been levelled by the petitioner against the contractor with respect to the work described above relating to Plan no. 43/2023-24 in the District of Kaimur, however, the contractor



concerned has not been made party respondent in the instant application. The writ application is fit to be dismissed on this ground alone.

5. It may be observed here that the petitioner has brought on record a report contained in letter dated 24.7.2024 written by the Sub Divisional Officer, Bhabua to the District Magistrate, Kaimur (Bhabua) with respect to eight different schemes including Ratwara 43/2023-24 with respect to which it is stated that though the work is still incomplete, however, showing the same to be complete the amount has been withdrawn and embezzled.

6. In view of the facts and circumstances stated herein above, though the Court is not inclined to proceed with the matter in view of the contractor concerned not having been made party respondent herein, nevertheless the Court expects that the authorities concerned will look into the matter and take appropriate steps in view of the report dated 24.7. 2024 of the Sub Divisional Officer, Bhabua.

7. It is clarified here that the observation of this Court in the instant order will not be construed by the authority as having approved the contents of the report/letter dated 24.7. 2024 of the Sub Divisional Officer, Bhabua, which is to be looked into and



examined by the authorities concerned.

8. This application stands disposed of.

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

**( Partha Sarthy, J)**

Bibhash

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

