

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1565 of 2024

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Ramlakhan Sah Son of Late Kesab Sah, resident of Village - Ward No. 11,
Khojpur, Khozpur, Police Station - Babubarahi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The Commissioner (MGNREGA), Rural Development Department, Bihar, Patna.
4. The District Magistrate-cum-the District Programme Coordinator, Madhubani.
5. The Deputy Development Commissioner, Madhubani.
6. The Chairman, Rural Development Department, Appellate Authority, MGNREGA, District- Madhubani.
7. The Lokpal, MGNREGA, Madhubani.
8. The Programme Officer, Babubarahi, District - Madhubani.
9. The Junior Engineer, Babubarahi, District - Madhubani.
10. The Panchayat Rojgar Sewak, Babubarahi, District - Madhubani.
11. The Mukhiya, Gram Panchayat Raj Bela, Madhubani.
12. The Technical Panchayat Assistant, Babubarahi, District - Madhubani.
13. The Accountant, MGNREGA, Babubarah, District - Madhubani.
14. Shri Rakesh Kumar Yadav, Son of Mahendra Yadav, resident of Kukrupatti (beneficiary) Police Station - Babubarahi, District - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.Government Pleader (11)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-05-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(I) For issuance of an appropriate writ in the nature of certiorari for quashing the order contained in memo no. 387 dated 29.11.2023



passed in Appeal Case No. 75/2023 by the Chairman and the Member, Rural Development Department, Appellate Authority, MGNREGA, Madhubani by which, the order passed in Complaint No. 17/2023 by the Lokpal, MGNREGA, Madhubani dated 21.07.2023 has been set aside, without appreciating the facts and circumstances by which, the learned Lokpal, MGNREGA, Madhubani has rightly found the irregularity committed by the concerned officials of the MNRGA in connivance of the private respondent Rakesh Kumar, by which, the purchased land of the petitioner, which is measuring 3 katha and 11.5 dhurs pertaining to Khata No. 109, Khesara Old-5769, Khesara New-9260 has been used for plantation of trees for taking the benefit under MGNREGA, scheme and thus causing loss to the Govt. exchequer and has rightly passed the reasoned and speaking order and finding them to be involved in irregularity, recklessness and dereliction in discharge of duties has rightly imposed cost upon them and has directed for recovery of the amount within 50 days and if the amount is being not recovered, the disciplinary proceeding be initiated against them and the aforesaid order has been communicated vide 1985 dated 21.07.2023, by which, the Lokpal, MGNREGA, Madhubani.



(II) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to implement the order passed by the LOKPAL, (MGNREGA), Rural Development Authority, Madhubani, by which, he has found that with the connivance of the officials, agencies the benefits of MGNREGA on the purchased land of the petitioner measuring 3 katha and 11.5 dhurs by registered deed no. 5108 dated 23.02.2017, Khata No. 109, Khesara Old 5769, New 9260 has illegally been given to the private respondent Rakesh Kumar Yadav by way of forgery.

(III) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to refund the aforesaid amount and pay the same to the petitioner as the purchased land of the petitioner has been used for plantation of tress under MGNREGA scheme and the benefit of the same has illegally bene given to private respondent Rakesh Kumar Yadav.”

2. After some arguments, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to pursue the Title Suit, pending in between the parties, before the learned Trial Court. Liberty so sought is granted.

3. Accordingly, the present writ petition stands



disposed off.

(Mohit Kumar Shah, J)

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