IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2457 of 2024

CNR No. BRHC010031612024

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Pankaj Kumar S/o Narendra Kumar Singh, R/o Village and Post - Sareya Basant, P.S. - Taraiya, District - Saran.

... ... Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar.
2. The Additonal Chief Secretary, Panchayati Raj Department, Govt. of Bihar.
3. The Secretary, Rural Development Department, Govt. of Bihar.
4. The Divisional Commissioner, Saran.
5. The District Magistrate, Saran (Chapra)
6. The District Panchayati Raj Officer, Saran.
7. The Deputy Development Commissioner, Saran, Chapra.
8. The District Programme Officer, MGNREGA, Saran, Chapra.
9. The Block Programme Officer, MGNREGA, Taraiya, Saran.
10. The Block Development Officer, Taraiya, Saran.
11. The Mukhiya, Gram Panchayat, Dewadhi, Taraiya, Saran.
12. The Panchayat Secretary, Gram Panchayat, Dewadhi, Taraiya, Saran.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Wasi Mohammad, Advocate
For the Respondent/s : Mr.Raghwanand, AAG 14
: Mr.Shubham, AC to AAG 14

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR

ORAL ORDER

13 29-10-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for following reliefs:

(i) For issuance of a writ of mandamus commanding the respondents, particularly

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the District Magistrate, Saran (Chapra), to conduct a full-fledged inquiry into the alleged embezzlement and misappropriation of government funds allotted for rural development schemes in Dewadhi Gram Panchayat, Taraiya Block, Saran.

(ii) For issuance of a writ of mandamus commanding the District Magistrate, after the inquiry, to take necessary legal action by setting the criminal law in motion, against the persons found involved.

3. Learned counsel for the petitioner submits that the petitioner is a resident of District Saran and a voter of Dewadhi Panchayat, and that from funds of the XV Finance Commission scheme, a proposal was made in the financial year 2022-23 for three cremation centres (Shawdahgrih) in the Panchayat, at Bhataura, Dewadhi and Sareya Basant. The estimated cost of each was Rs. 4,35,000/-, yet Rs. 4,75,926/- has been paid to Aaditya Constructions for each, by vouchers dated 16.11.2022, 20.02.2023 and 26.02.2023, and Rs. 34,506/- for each to the Panchayat Secretary or Prithwinath Singh as labour cost (Rs. 5,10,432/- each, in all Rs. 15,31,296/-). It is submitted that the entire payment was made without the construction being completed, as shown by geotagged photographs dated

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10.11.2023, 17.12.2023, 28.07.2023 and 11.12.2023 (Annexures P/3 to P/5 series), and by the Object Head Wise Expenditure Report for 2022-23 (Annexure P/6).

4. Learned counsel for the petitioner further submits that corruption is also present in schemes under the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA). Under the scheme for filling soil at the Shamshaan Ghat near the river (estimated at Rs. 9.85 lakh), Rs. 5,36,154/- has been paid though no work has been done, and the place is where a Waste Processing Unit was being constructed. Under the scheme for affixing paver blocks at Sareya Basant Primary School (Work Code 0509002011/RC/20586461), payment has been made though the work is incomplete, and the photographs uploaded by the agency are of another place, Chauhan Tola. The agencies have not put up the required boards showing the scheme, and the job-card labourers are alleged to be relatives and associates of the Mukhiya, who are not in fact working, since the work is done by JCB machines.

5. Learned counsel for petitioner lastly submits that the petitioner made several representations, dated 27.06.2022, 14.07.2023 and 10.11.2023, and 01.02.2022, 05.07.2022 and 19.05.2023, to the District Magistrate, Saran, with geotagged

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photographs and details of the payments, but no action has been taken, and not even an inquiry has been conducted. The inaction of the respondents is said to be illegal, arbitrary and whimsical, in violation of their duty to protect public money, and the petitioner, as a taxpayer, has no other efficacious remedy.

6. Learned counsel for the State/Respondent Nos. 5 and 7 submits that on the complaints made by the petitioner and one Sanju Kumar about MGNREGA and the Prime Minister Awas Yojana, the Deputy Development Commissioner, by letter No. 1654 dated 08.07.2022, directed the Deputy Collector Land Reforms, Marhowrah-cum-Senior In-charge Officer, Taraiya, to conduct an inquiry and send his report. By letter No. 3356 dated 23.05.2023, the Special Executive Officer, District Gopniya Sakha, directed the District Programme Officer and the Executive Engineer, MGNREGA, to take necessary action and report to the District Magistrate.

7. Learned counsel for the state further submits that the Deputy Development Commissioner, on the petitioner’s complaints about MGNREGA, again directed the Deputy Collector Land Reforms to inquire and report, by letters No. 2249 dated 27.07.2023, No. 2395 dated 04.08.2023 and No. 3411 dated 31.10.2023 (Annexures R/C to R/E), the last in view

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of letter No. 7190 dated 26.09.2023 of the District Collectorate. On the petitioner's complaint and in light of the writ petition, the Deputy Development Commissioner, by letters No. 34(Mu.) and No. 35(Mu.) dated 06.04.2024, directed the District Panchayati Raj Officer and the District Programme Officer, respectively, to give clarification of the facts about the three cremation centres and the MGNREGA schemes, with their opinion.

8. Learned counsel for the State also submits that, after receipt of the reports, if any irregularities are found, a higher-level inquiry team will be constituted, a full-fledged inquiry will be conducted, and action will be taken against the persons found involved. It is submitted that the petitioner has not annexed any evidence in support of his allegation about the labourers, that the petitioner could have approached the public grievance redressal authority, the Right to Information Act mechanism, or the MGNREGA Lokpal, and that the statement that this Court is the last resort is incorrect.

9. Having heard the parties and perused the record, it is evident that the petitioner has made specific complaints, supported by geotagged photographs, voucher numbers and work codes, of payments for cremation centres and MGNREGA

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works said not to have been executed and that the respondents do not deny that the complaints were received. It is important to indicate that state funds are the financial resources collected and held by the government in a custodial capacity on behalf of the public through taxes, borrowings, grants and non-tax revenues. Their proper management is a foundational pillar of democratic governance, economic stability, and social welfare. Siphoning and misjustification of public funds cause massive economic drain, stall infrastructure growth and severely damage public trust in state governments. When public is diverted from its intended purpose, the entire Socio- economic framework of a State suffers.

10. In view of the above, the District Magistrate, Saran, and the authorities concerned are hereby directed to look into the matter, to examine the representations of the petitioner, the geotagged photographs and the documents relied on by him, and the reports already called for, and to take necessary steps in accordance with law, including constituting a higher-level inquiry team, if found necessary, as expeditiously as possible, preferably within six months from the date of receipt or production of a certified copy of this order. If, on the inquiry, any irregularity or misappropriation is found, appropriate action

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shall be taken against the persons responsible in accordance with law. The petitioner shall be at liberty to furnish the documents, on which he relies, to the authorities.

11. The writ application stands disposed of on the aforesaid terms.

(Alok Kumar, J)

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