
(2016) 01 JH CK 0160
In the Jharkhand High Court
Case No : L.P.A. No. 237 of 2015

Dinesh Mahato

APPELLANT

Vs

State of Jharkhand and others

RESPONDENT

Date of Decision : 12-01-2016

Acts Referred:

Citation : (2016) 2 JBCJ 61 : (2016) 2 JLJR 526

Hon'ble Judges : Virender Singh, C.J.; P.P. Bhatt, J.

Bench : Division Bench

Advocate : Abhay Kumar Mishra, S.C.III, for the Respondent

Final Decision : Disposed off

Judgement

Virender Singh, C.J. - The instant matter relates to an agreement dated 05.11.2011 executed between the State and respondent No. 4 and 5 for construction of road from Aadli Dungri to Dokarsai Main Road (stretch of 2.5 k.m.) under MNREGA Scheme. The appellant-writ petitioner (for short writ petitioner) moved a representation before Deputy Commissioner, East Singhbhum, respondent No. 3 herein for holding an enquiry with regard to some irregularity committed in executing the said contract in which it was alleged that favour was extended to respondent No. 5, who, otherwise, is a Government employee. Further allegation was that in fact no work was ever executed and that no payment was made to MNREGA Job Card Holders. When the said representation was not accorded consideration by respondent No. 3, the writ petitioner approached the Writ Court seeking direction for according consideration to the representation already moved by him, which now stands dismissed by the learned Writ Court on the ground that the writ petitioner has not been able to disclose a legal right and the corresponding duty on the Deputy Commissioner, which he has failed to discharge. Hence, the instant Letters Patent Appeal.

2. At the very outset, Mr. Mishra, appearing for the State submits that with

regard to the aforesaid agreement, in fact, a discreet enquiry is already underway, which, undoubtedly would take care of the complaint/ representation of writ petitioner against the respondent No. 4 and 5. He further submitted that the said enquiry has not culminated till date.

3. Viewed thus, without entering into the locus standi of the writ petitioner to ask for the relief as sought, direct Deputy Commissioner, East Singhbhum, respondent No. 3 herein to complete the enquiry already initiated by him with regard to the aforesaid agreement and the construction of the road at the earliest, preferably, within two months from the date copy of the order is made available to him. It goes without saying that if the construction work of the aforesaid road has already been delayed and not complete till date, he would ensure that the aforesaid stretch of road is constructed without any delay, the same being under MNREGA Scheme and to the advantage of the villagers.

The Appeal on hand, thus, stands disposed of.