

(2019) 07 MAN CK 0019

In the Manipur High Court

Case No : Public Interest Litigation No. 24 Of 2019

Sorokhaibam Bobo Singh And Others

APPELLANT

Vs

Phuritsabam Jiten Sing And Others

RESPONDENT

Date of Decision : 02-07-2019

Acts Referred:

Citation : (2019) 07 MAN CK 0019

Hon'ble Judges : Ramalingam Sudhakar, CJ;Kh. Nobin Singh, J

Bench : Division Bench

Advocate : B.Prem Sharma, Rupachandra

Final Decision : Disposed Off

Judgement

R.S., CJ

1. The prayers in this PIL are as follows:-

"(i) To admit the present PIL;

(ii) To issue rule nisi calling upon the respondents to show cause as to why prayer made by the petitioners shall not be granted in the facts and circumstances of the present PIL;

(iii) To issue a writ in the nature of Mandamus/Certiorari or any other appropriate writ/ direction/ order directing the respondents to recover the misused amount and to impose penalty permissible under the MGNREGA and other laws without any further delay in view of the facts and circumstances of the present petition;

(iv) If no cause is shown or insufficient cause is shown, make the rule absolute;

(v) To call for the relevant records;

(vi) To pass any order/ writ / directions which the Hon'ble Court deem fit and proper in the facts and circumstances of the present case."

[2] The grievance of the petitioners appears that the Mahatma Gandhi National

Rural Employment Guarantee Act and Scheme (hereinafter referred to as the Act and Scheme) has been misused by the 1st respondent time and again and has been falsely making a claim that he has developed a public pond under the said Scheme whereas the pond has been maintained by private individual on his own fund whereas the 1st respondent has claimed and benefited on the basis that he has maintained this pond under the Act and Scheme. It is alleged that the 1st respondent has misused his position as the Member-4 Sekmaijin Zilla Parishad, Kakching to fritter away funds allocated under the Act and Scheme. To justify the plea for issuance of notice in the PIL, document, Annexure-A/2 stating the work status of the pond, Annexure-A/3, expenditure details of the construction of the pond, Annexure-A/4, photographs of the pond have been enclosed. There are subject to verification on its authenticity and its validity.

[3] Be that as it may, the 1st respondent is under the control of the Deputy Commissioner, Thoubal, Manipur, respondent No.3, and also his work is monitored by the respondent No.4, Addl. Deputy Commissioner (ADC), Thoubal/ Program Coordinator as well as the Block Development Officer/Programme Officer, Langmeidong, C.D. Block, respondent No.5. These officers are having control over the 1st respondent, Adhyaksha, Kakching/Member-4 Sekmaijin Zilla Parishad in so far as the implementation of the provisions of the Act and the Scheme. In such event, the petitioners are to first move the authorities to take actions against the 1st respondent if their allegation is proved to be correct and has some basis.

[4] In this regard, the writ petitioners are permitted to make a specific complaint enclosing all the documents that they would rely upon to plead and proof that the 1st respondent has mis-used the funds allotted under the Mahatma Gandhi National Rural Employment Guarantee Scheme, in violation of the Act, 2005. All specific details should be submitted to the authorities concerned so as to enable them to verify the nature of complaint and if there is an element of justification in the complaint, the authorities will follow the procedures prescribed by law for taking remedial action. Further, 1st respondent should be duly noticed so as to elicit his views on the allegations. The condition to put the 1st respondent on notice will avoid allegation of violation of principles of natural justice and will also enable the 1st to give his version on the complaint or the allegations.

[5] Petitioners are liberty to the petitioners to move the authorities.

The PIL stands disposed of.