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**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(CIVIL WRIT JURISDICTION)**

C.W.J.C No \_\_\_\_\_/2011

**Satya Prakash Kumar ..... Petitioner**

**Versus**

**The State of Bihar & others ..... Respondents**

**Subject: Others Miscellaneous**

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**IN THE HIGH COURT OF JUDICATURE AT PATNA****(CIVIL WRIT JURISDICTION)**

C.W.J.C. No. \_\_\_\_\_/2012

**Satya Prakash Kumar** ..... **Petitioner****Versus****The State of Bihar & others** ..... **Respondents****SYNOPSIS**

1. That this writ application has been filed before this Hon'ble Court for release the Ambulance which had been purchased from the M.P fund (Rajya Sabha) of late Dr. Nirmala Des Pandey for the purposes of Vinoba Ashram Trust for its utilization amongst the poor Harijan and downtrodden persons of the society in Bihariganj, District Madhepura which is kept under use and custody of the District Magistrate Madhepura after having purchased the aforesaid Ambulance vehicle.
2. 22.02.1983 – Registration of Vinoba Ashram Trust bearing no. 488 of the year 1982-83.
3. 28.02.2011 - Application filed by the petitioner to the District Magistrate, Madhepura vide his letter no. 24/VAT 210-211 for making available one ambulance which was purchased from M.P fund of late Nirmala Desh Pandey.
4. 06.08.2010 - The Performa invoice issued by Ginni Moters (P) Ltd. Patna and release of the vehicle to the District Administration the Collector Madhepura vide his memo No. 515-2 ऋ. Madhepura.

5. 23.08.2006 - The letter written by late Nirmala Desh Pandey Member of Parliament (Rajya Sabha) to President/Secretary Vinoba Ashram Trust, Vinoba Nagar Bihariganj, Madhepura for resignation of the member of the Executive Committee of the trust namely Vinoba Ashram Trust.
6. 28.02.2011 - The agreement paper executed by the Secretary Vinoba Ashram Trust, Vinoba Nagar, Bihariganj, District Madhepura deposited in the office of District Magistrate Madhepura.

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

**(CIVIL WRIT JURISDICTION)**

**C.W.J.C. No. \_\_\_\_\_/2012**

In the matter of an application  
under Article 226 of the  
Constitution of India

**AND**

In the matter of

Satya Prakash Kumar Son of late Kedar Prasad Mandal, resident of village  
Madhuban Teen Tenga, P.O. Madhuban, P.S. Uda Kishanganj, District-  
Madhepura. ....Petitioner

**Versus**

1. The State of Bihar, through the Chief Secretary, Government of Bihar
2. The Chief Secretary Government Of Bihar, Old Secretariat, Patna
3. The District Magistrate, Madhepura.

4. The D.D.C. Madhepura.

5. The Civil Surgeon cum Chief Medical Officer, Madhepura.

.....Respondents

To,

The Hon'ble Miss Justice Rekha M. Doshit, The Chief Justice of the High Court of Judicature at Patna and her companion justices of the said Hon'ble Court

The humble writ application on behalf

of petitioner above named

**MOST RESPECTFULLY SHEWETH**

1. That the petitioner seeks the following reliefs in this writ application
  - i. Issuance of directions order or writ in the nature of mandamus directing the respondent No. 3, the collector Madhepura to forthwith release the Ambulance to the Vinoba Ashram Trust which has been already purchased by the M.P, L.A.D.S amount given by the late Dr. Nirmala Des Pandey, Member of Parliament (Rajya Sabha).
  - ii. Any other relief/reliefs for which the petitioner may be deemed entitled to.

2. That the grounds on which this writ application is sought to be maintained have been given in paragraph No.9 of this writ application.

3. That this writ application is being filed before this Hon'ble Court by the petitioner who is the Secretary of the Vinoba Ashram Trust, Bihariganj District- Madhepura, Bihar which has been registered bearing No. 488 of the year 1982-83 on dated 22.02.1983 under Society Registration Act 21, 1860.

The aforesaid trust is being run on the basis of the donation as well as the membership fee and the help being provided by schemes of the Central Government as well as State Government. The aforesaid Trust is registered Society under Registration of Society Act named as Vinoba Ashram Trust, Vinoba Nagar, Bihariganj, Madhepura-852101. The founder president of the aforesaid trust was late Kedar Prasad Mandal and he had developed a service to the people through Khadi Movement and to develop the Harijan and downtrodden persons and most backward classes for their all round development to various schemes being run by the aforesaid trust.

A photostat copy of the Registration  
of Vinoba Ashram Trust bearing No.  
488 of the year 1982-83 dated

22.02.1983 is annexed herewith and  
marked as Annexure-1 of this Writ  
Application.

4. That the petitioner is Secretary of the Vinoba Ashram Trust, Vinoba Nagar Bihariganj District-Madhepura and he is very much interested for the well being of Harijan extremely backward classes and downtrodden person of the society of District Madhepura. He had taken up number of social work for the upliftment of the persons of aforesaid weaker section and in that back ground it was requested to late Nirmala Desh Pandey for making available one ambulance from her M.P Fund and the petitioner had filed an application to the District Magistrate Madhepura vide Letter No. 24/VAT 210-211 on dated 28.02.2011.

A photostat copy of the application  
filed by the petitioner to the District  
Magistrate, Madhepura vide his letter  
no. 24/VAT 210-211 on dated  
28.02.2011 is annexed herewith and

marked as Annexure-2 of this writ  
application

5. It is relevant to submit that the District Magistrate, Madhepura has already utilized Rs.4, 97,157/- for the purchase of the Ambulance for the purpose of the poor person Harijan downtrodden extremely backward classes of district Madhepura. The entire money having been released from M.P. fund had already been deposited to Ginni Moters (P) Ltd. Patna and the vehicle Sumo Ambulance Easy R(T) amounting to price on road total 5,27,944 and the vehicle was also released to the District Administration under Collector Madhepura vide his Memo No. 515-2 वि. Madhepura dated 6.8.2010.

A photostat copy of the Performa invoice issued by Ginni Moters (P) Ltd. Patna and release of the vehicle to the District Administration the Collector Madhepura vide his memo No. 515-2 वि. Madhepura dated 6.8.2010 is annexed herewith and



marked as Annexure-3 of this writ application.

6. That it is relevant to submit for consideration that late Smt. Nirmala Desh Pandey had already given her resignation as member of Executive Committee of the trust on 23.08.2006.

A photostat copy of the letter written by late Nirmala Desh Pandey Member of Parliament (Rajya Sabha) to President/Secretary Vinoba Ashram Trust, Vinoba Nagar Bihariganj, Madhepura on 23.08.2006 is annexed herewith and marked as Annexure-4 of this writ application.

7. That an agreement paper having been signed on 28.2.2011 by the petitioner had already been deposited in the Office of the District Magistrate, Madhepura where in it had been stated that the ambulance would be utilized for purpose of patient and for the Rogi Kalyan Samiti, Bihariganj and Primary Health care, Uda Kishanganj and Ambulance would run on the

basis of service charge fixed up by the Rogi Kalyan Samiti. It was further written in the agreement paper that in future, the expenditure incurred for maintenance of the Ambulance would be met by the Vinoba Ashram Trust, Bihariganj District Madhepura.

A photostat copy of the agreement paper dated 28.02.2011 executed by the Secretary Vinoba Ashram Trust, Vinoba Nagar, Bihariganj, District Madhepura is annexed herewith and marked as Annexure-5 of this writ application.

8. That it is relevant to submit for consideration that several letters have been written to District Magistrate for the release of the ambulance for the use of poor persons Harijan extremely backward classes and downtrodden of the society but no heed was paid by the authorities and still the ambulance in question is under the custody of the District Administration, District Magistrate Madhepura.

9. That this writ application is sought to be maintained on amongst others the following

GROUNDNS

- I) For that the ambulance has been purchased by the fund released by the Member of Parliament (Rajya Sabha) Late Nirmala Desh Pandey.
- II) For that the fund was released for the purposes of making available to Vinoba Ashram Trust for an Ambulance.
- III) For that the money was also deposited to the Ginni Motors (P) Ltd. Patna for purchase of an ambulance and it was purchased and being utilized by the District Administration in an illegal manner.
- IV) For that for all intent and purposes the same ought to have been delivered to Vinoba Ashram Trust to its secretary the petitioner.
10. That the petitioner has not filed earlier before his Hon'ble court in the instant matter

It is therefore prayed that your lordships may be graciously pleased to admit this Writ Application, issue Rule NISI upon respondents to show

cause as to why not the reliefs sought  
for in paragraph no. 1 of this writ  
application be granted to the  
petitioner or after hearing the party or  
parties or after return of the rule make  
the rule absolute or pass such other  
order or orders which your lordships  
may deem fit and proper.

And for this the petitioner shall ever pray.

**AFFIDAVIT**

I, Satya Prakash Kumar aged about 33 years, Son of late Kedar Prasad Mandal, resident of village Madhuban Teen Tenga, P.O. Madhuban, P.S. Uda Kishanganj, District- Madhepura do hereby solemnly affirm and declare on oath as follows:

1. That I am Petitioner in the aforesaid case and hence I am well acquainted with the facts and circumstances of the case.
2. That the entire contents of this Writ Application have been read by me which I have fully understood.
3. That paragraph nos. 3 to 8 and 10 are true to my knowledge, paragraph nos. XXXXX are by way of information and paragraph nos. 1,2 and 9 are by way of legal submissions.
4. That the annexures are true copies/photostat copies of their respective originals.

DEPONENT

संस्थाओं के निवन्धन का प्रमाण पत्र

। ऐक्ट 21, 1860 ।

संख्या :- 877 वर्ष :- 72-73

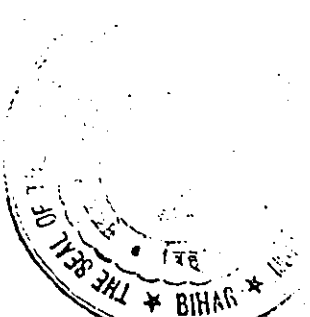
मैं इसके द्वारा प्रमाणित करता हूँ कि बिनीवा आश्रम

ट्रस्ट

तोलाईटोज राजट्रेडम ऐक्ट, 21, 1860 के अधीन आज यथावत् निर्दिष्ट हुआ/हूँ।

आज तारीख वाइस मास फरवरी

वर्ष उन्नत ली तिलाती जो पटना में मेरे हस्ताक्षर के साथ दिया गया ।



*[Handwritten signature]*

जारी, महा निरीक्षक निवन्धन, बिहार, पटना

निवन्धन विभाग	नया सचिवालय	बिहार, पटना
---------------	-------------	-------------

XXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXX  
XXXXXXXXXXXX

*[Handwritten signature]*

*[Handwritten signature]*

मंत्री

बिनीवा आश्रम ट्रस्ट  
बिहार-मधुपरा (बिहार)

# विनोबा आश्रम ट्रस्ट

विनोबा नगर, बिहारीगंज, मधेपुरा

पत्रांक-24/V.A.T/2010-2011

दिनांक - 28/02/2011

सेवा मे,

श्रीमान जिला पदाधिकारी

मधेपुरा

विषय:-विनोबा आश्रम ट्रस्ट, बिहारीगंज, मधेपुरा को एम्ब्युलेन्स उपलब्ध कराने

के संबंध मे।

महाशय ,

सविनय निवेदन है कि माननीय सांसद डा० निर्मला देश पाण्डे के सांसद कोष से एक एम्ब्युलेन्स विनोबा आश्रम ट्रस्ट, बिहारीगंज को दिया गया है जो आपके द्वारा एम्ब्युलेन्स क्रय कर ली गई है। जो आज तक उपरोक्त संस्था को उपलब्ध नहीं हो सकी है।

अतः श्रीमान से अनुरोध है कि जल्द से जल्द एम्ब्युलेन्स उपलब्ध कराने कि महती कृपा कि जाए।

सादर !

संतर्जन-

१.एकरारनामा की मूल प्रति

विश्वासभाजन

सत्य प्रकाश कुमार  
(सत्य प्रकाश कुमार)

मंत्री

विनोबा आश्रम ट्रस्ट  
विनोबा नगर, बिहारीगंज  
जिला-मधेपुरा (बिहार)

Annexure - 5 - 13 -

# GUINEA MOTORS (P) LTD

WEST BORING CANAL ROAD, PATNA-800 001.

Tel: Showroom: 2275194, 2275195, 9835072235, Workshop: 2591266

Fax: 0612-2274902

E-mail: guinea27@satyam.net.in

## PROFORMA INVOICE

To: \_\_\_\_\_

Date: \_\_\_\_\_

Model:  
Colour:

Sumo Ambulance (61Rt)

EX-SHOWROOM

503567 - 00

INSURANCE

18877.00

REGISTRATION

5500.00

ON road Price. Total Rs.

527944.00

### Terms & condition:

1. Delivery of Car from Guinea Motors (P) Ltd. Patna. Subject to verification and clearance of Bank Draft/Banker's Cheques.
2. Full payment by Demand Draft/Banker's Cheque in favour of Guinea motors (P) Ltd. Payable at Patna.
3. Insurance & Registration charges are extra.
4. Price prevailing at the time of delivery will be applicable.
5. Price is subject to change without any prior notice.
6. The choice colour of vehicle is subject to availability at the time of delivery.
7. Customer's required to furnish PAN No. at the time of the delivery of the vehicle. In case, PAN No. not available, kindly furnish form 60/61 alongwith proof of address.
8. All dispute are subject to Patna jurisdiction only.
9. This is to inform all our esteemed customers that any advance payment for purchase of vehicles made by them to us are our own liability and our principals M/S. telco Ltd. Are in no way, implicity or explicitly responsible for any vicarious Liability for the refund of advance of vehicles thereof, as they deal with us on a principal-to-principal basis.

Ravi- 9431463861

For Guinea Motors (P) Ltd.

Ravi  
(Vehicle Sales).

होम सॉल्यूशंस

17/11/2014



Typed Copy Annexure-3 - 13-

## GUINEA MOTORS (P) LTD

WEST BORING CANAL ROAD, PATNA-800001

Tel: showroom:2275194,2275195,9835072235, Workshop:2591266

Fax:0612-2274902

Eimail:guinea27@satyam.net.in

### PROFORMA INVOICE

To.

Date: \_\_\_\_\_

Model.

Sumo Ambulance E.GR(T)

Colour.

EX-SHOWROOM

503567.00

INSURANCE

18877.00

REGISTRATION

500.00

ON road Price.

Total Rs. 527944.00

#### Terms & condition:

1. Delivery of Car form Guinea Motors (P) Ltd. Patna. Subject to verification and clearance of Bank Draft/Banker's Cheques.
2. Full payment by Demand Draft/Banker's Cheque in favour of Guinea motors (P) Ltd. Payable at Patna.
3. Insurance & Registration charges are extra.
4. Price prevailing at the time of delivery will be applicable.
5. Price is subject to change without any prior notice.
6. The choice colour of vehicle is subject to availability at the time of delivery.
7. Customer's required to furnish PAN No. at the time of the delivery of the vehicle. In case PAN No. not available, kindly furnish form 60/61 along with proof of address.
8. All dispute are subject to Patna jurisdiction only.
9. This is to inform all our esteemed customers that any advance payment for purchase of vehicles made by them to us are our own liability and our principals M/s. Telco Ltd. Are in no way, implicity or explicitly responsible for any vicarious Liability for the refund of advance of vehicles thereof, as they deal with us on a principal-to-principal basis.

Ravi-9431463861

For Guinea Motors (P) Ltd.

सत्य प्रकाश कुमार

Signature

मंत्री

(Un read )

विनोबा आश्रम ट्रस्ट

(Vehicle Sales).

विनोबा नगर, बिहारीगंज

जिला-मधेपुरा (बिहार)

*Nirmala Deshpande*  
Member of Parliament  
(Rajya Sabha)



AB-98, SHAHAJAHAN ROAD  
NEW DELHI-110003  
Tel. : 23782683 Telefax : 23782781  
Mobile : 9868181093  
E-mail : nirmala567@yahoo.co.in  
nirmala.d@sansad.nic.in

23.08.06

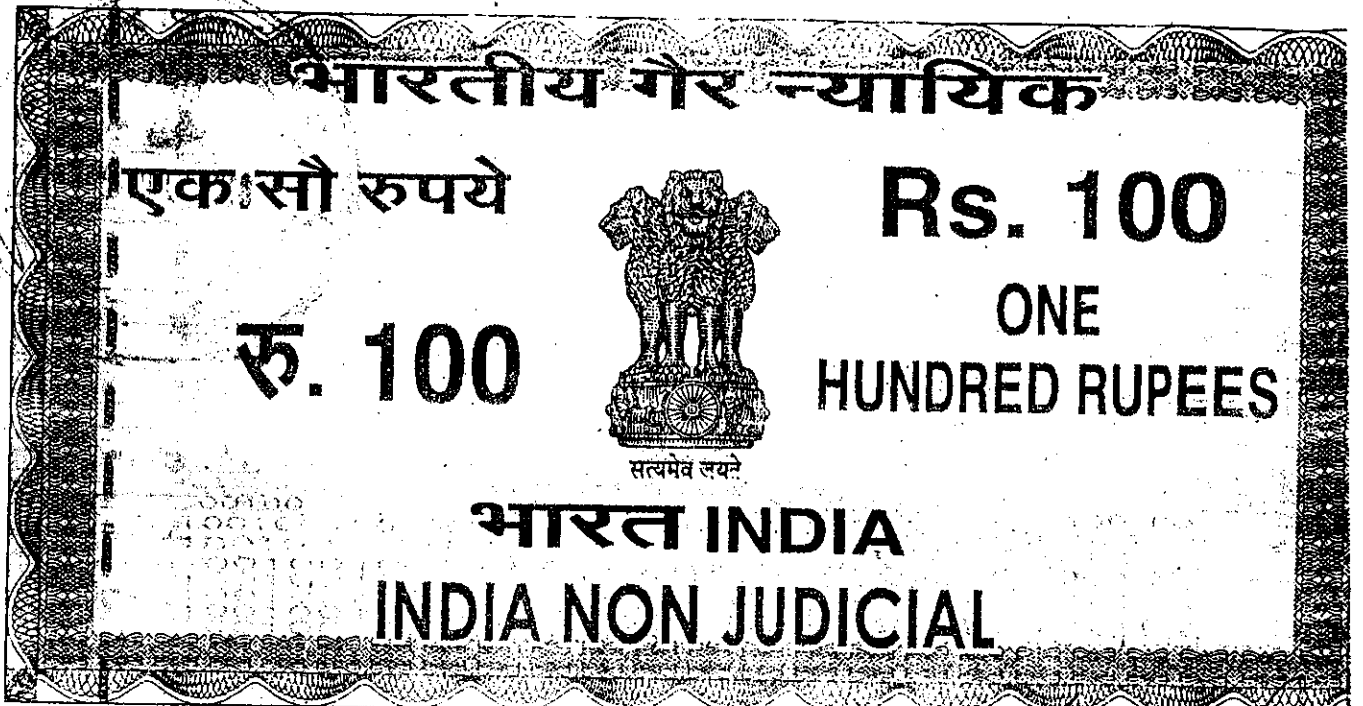
श्रीयुक्त अध्यक्ष/मंत्री  
विनोबा आश्रम ट्रस्ट  
विनोबा नगर, बिहारीगंज  
मधेपुरा ।

महोदय,

मैं अपनी कार्य व्यस्तता एवं अस्वस्थ होने के कारण ट्रस्ट के क्रियाकलापों में भाग नहीं ले पाती हूँ । इसलिए मैं ट्रस्ट के कार्यकारिणी समिति के सदस्य पद से इस्तीफा दे रही हूँ ।

आशा है कि आपलोग ट्रस्ट के कार्यक्रमों को अच्छी तरह से संचालित करेंगे मेरा आशीर्वाद सदा आप के साथ है ।

*Nirmala Deshpande*  
(निर्मला देशपांडे)



बिहार BIHAR  
 94/26/21/11  
 सत्य प्रकाश कुमारी विनोबा आश्रम ट्रस्ट  
 मधेपुरा जिला पदाधिकारी मधेपुरा के पक्ष में  
 100/- 100/-  
 100/-

एकरारनामा

मैं श्री सत्य प्रकाश कुमार, मंत्री, विनोबा आश्रम ट्रस्ट, बिहारीगंज, मधेपुरा द्वारा एकरारनामा जिला पदाधिकारी, मधेपुरा के पक्ष में कर रहा हूँ।

1:- इस एम्ब्युलेन्स को रोगी कल्याण समिति प्राथमिक स्वास्थ्य केन्द्र बिहारीगंज एवं प्राथमिक स्वास्थ्य केन्द्र, उदाकिशुनगंज के क्षेत्र में परिचालन की जाएगी।

2:- इस एम्ब्युलेन्स को रोगी कल्याण समिति के निर्धारित सेवा शुल्क के आधार पर परिचालन की जाएगी।

सत्य प्रकाश कुमार  
मंत्री

विनोबा आश्रम ट्रस्ट  
विनोबा नगर, बिहारीगंज  
जिला-मधेपुरा (बिहार)

- 3:- इस एम्ब्युलेन्स पर भविष्य में रख-रखाव ईंधन इत्यादि पर होने वाला व्यय का वहन संस्था अपने आय श्रोत से करेगी।
- 4:- इस एम्ब्युलेन्स से गरीब निसाहाय लोगों की निःशुल्क करेगी और इसपर होने वाले खर्च को संस्था अपने आय श्रोत से करेगी।

सत्य प्रकाश कुमार

(सत्य प्रकाश कुमार)

मंत्री

विनोबा आश्रम ट्रस्ट  
विनोबा नगर, बिहारोसंज  
जिला-मधुपुरा (बिहार)