

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1465 of 2014

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1. Imran Alam S/O Late Md. Jamil, Resident Of Mohalla- Azadnagar, Ward
No. 19, P.S. & District- Araria

.... Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna
3. The Special Secretary, Urban Development and Housing Department,
Government of Bihar, Patna
4. The District Magistrate, District- Araria
5. The Chairman, Nagar Parishad, Araria
6. The Town Executive Officer, Nagar Parishad, Araria
7. Sri I.P.Gupta Saryu Babu Engineers For Resources Development, Nagar
Parishad Campus, Kishanganj

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Jha
For the Respondent Nos.1 to 4 : Mr. Anjani Kumar, AAG 6
For the Respondent No.5 : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 09-09-2015 Heard Mr. Dharendra Kumar Jha, learned Counsel for the

petitioner, and Mr. Anjani Kumar, learned Additional Advocate

General No. 6, appearing for respondent Nos.1 to 4. Heard also

Mr. Sanjay Kumar Sharma, learned Counsel, appearing for

respondent No.5.

The petitioner herein has filed this writ petition under

Article 226 of the Constitution of India in the form of Public

Interest Litigation.



The grievance, raised in this Public Interest Litigation, is that the list of the beneficiaries, included in the project report prepared under the Integrated Housing and Slum Development Programme, sponsored by the Government of India, are not eligible to be included as beneficiaries. The persons, who are allegedly not entitled to receive the benefit under the said Scheme, have, however, not been made parties to this writ application. This apart, individual status or entitlement cannot be determined in a Public Interest Litigation inasmuch as it will call for holding a roving enquiry in individual cases, which is, in the facts and circumstances of the present case, not warranted.

Situated thus, we are clearly of the view that this writ petition, filed as Public Interest Litigation, is misconceived and the same cannot be continued any longer. The petitioner may, however, raise his grievance by way of representation before appropriate authority. In similar circumstances, which arose in C.W.J.C. No. 3669 of 2011, a Division Bench of this Court made following orders:

“14.02.2012:- This writ application has been filed in the form of P.I.L. for a direction upon the respondents to provide house to the persons living below poverty line in slum colonies in the territorial area of Araria Nagar Parishad, Araria.



Having heard counsel for the parties, we are of the opinion that the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna (respondent No.5) should look into the matter.

In view of the above, liberty is granted to parties to usually approach respondent no.5, if so desire, by filing an appropriate representation for cause of action as sought in the present writ petition, which can be disposed of as expeditiously as possible.

With the above observation, this writ petition stands disposed of.”

As a matter of judicial propriety and also taking into account the nature of the present writ application, we close this proceeding with liberty to the petitioner to make representation to respondent No. 2, namely, the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.

It is further directed that on receipt of the representation, if made by the petitioner, respondent No.2 shall pass speaking order and do the needful in accordance with law within a period of two months from the date of receipt/production of a copy of this order. If the petitioner feels aggrieved by the

decision or decisions, which may be arrived at, or by the order or orders, which may be passed, the petitioner shall remain at liberty to take recourse to appropriate provisions of law.

This writ application shall stand disposed of in terms of the observations made and directions given above.

(I.A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

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