

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12170 of 2012

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Maresh Kumar S/O Late Bhishm Maharaj R/o Bungalow No.- 65, Chauhan Sadan,
Havelock Road, Danapur Cantt., P.S.- Danapur Town and District- Patna

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development Department, Government of Bihar, Patna
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna
3. The District Magistrate, Patna
4. The Senior Superintendent of Police, Patna
5. The Bihar State Housing Board through its Managing Director, Bihar, Patna
6. Managing Director, the Bihar State Housing Board, Bihar, Patna
7. Patna Municipal Corporation, Patna through its Municipal Commissioner.
8. Municipal Commissioner, Patna Municipal Corporation, Patna

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Brisketu Sharan Pandey, Advocate.

For the State : Mr. Mrigendra Kumar, A.C. to G.A. 11

For the Housing Board : Mr. Anil Kumar Sinha, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-02-2015

This is another typical Public Interest Litigation initiated by a person who has got some spare time at his disposal. He prays for a writ of mandamus directing and commanding the respondent authorities to take appropriate action for preventing commercial activities in the residential areas for which land was specifically allotted by the State Government or the Bihar State Housing Board/erstwhile Patna Improvement Trust/Patna



Regional Development Authority. The petitioner states that he came to know that in certain areas of Patna, the lands which are allotted for residential uses are put to commercial use. The respondents filed a counter affidavit denying the allegations.

Heard Sri Brisketu Sharan Pandey, learned counsel for the petitioner and Sri Mrigendru Kumar, learned Assistant Counsel to G.A.-11 for the Respondents.

It has virtually become a fashion for such individuals to institute Public Interest Litigations with un-supported, unspecific and abstract allegations. The result is that while criminal cases in which the accused convicted for life imprisonment are pending for decades, the Public Interest Litigations of this nature are taking considerable time of the Court.

In a given case, if the petitioner is able to demonstrate that any serious violation of public law has taken place, the High Court can certainly take note of the same and issue appropriate directions. Except stating that he has come to know that in certain areas of Patna the commercial activities are being undertaken in residential localities, the petitioner did not mention the particulars of the allotment orders or the nature of deviation. He did not even implead the persons in whose favour the lands are allotted. For all practical purposes he wanted the state of affairs that was going on for more than the past half century to be reviewed, that too without any proper course or

direction. This is nothing, but a misuse of process of Public Interest Litigation.

The writ petition is dismissed. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

Chandran/Md.Ibrarul

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