

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7180 of 2011

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1. Balram Prasad Son Of Late Deep Narain Singh Resident Of Village-Karaiparsurai, Hilsa, Police Station-Karaiparsurai, Distt-Nalanda At Biharsharif.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Land And Revenue, Government Of Bihar, Patna
2. The Principal Secretary, Department Of Home (Police) Government Of Bihar, Patna
3. The Director General Of Police Bihar, Patna
4. The District Magistrate Nalanda At Biharsharif
5. The Superintendent Of Police Nalanda At Biharsharif
6. The Sub-Divisional Officer, Hila District-Nalanda
7. The Block Development Officer, Karaiparsurai, District-Nalanda At Biharsharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Respondent/s : Ms. Kumari Amrita GP10

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 31-08-2015

Heard counsel for the petitioner and the State.

Two counter affidavits have been filed on behalf of the respondents. No rejoinder thereto has been filed.

The petitioner has filed the application for issuance of writ in the nature of mandamus commanding the respondents to construct the building of Karaiparsurai police station at any other place instead on the land appertaining to khata no. 495, khesra no. 1004 which is a Gairmazarua Aam land. From bare reading of the petition, it appears a case of class action. The petitioner personally is not aggrieved by any action of the respondents. The writ application

would, therefore, not be maintainable. Further, the respondents in the counter affidavit have stated that considering the necessity of construction of the police station which was earlier run from a rented premises the concerned Gram Panchayat was consulted and resolution was passed by the Aam Sabha of the Gram Panchayat permitting the respondents to construct police station on the said land/plot. The matter was thereafter referred to the Revenue Department and after grant of permission the construction of the building for housing the police station was started.

Seen thus, even on merit, it does not appear a fit case where the writ jurisdiction can be exercised, particularly, when no legal or statutory right of the petitioner has been violated/infringed. The land is indisputably the government land recorded as Gairmazarua Aam land in the records of right.

For these reasons, this Court finds no merit in the writ application. Dismissed.

(Kishore Kumar Mandal, J)

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