

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18830 of 2014

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Bhuvaneshwar Prasad, son of Late Hari Narayan Yadav, resident of
Village-Kumarkhat, Police Station- Ladaniyan, District-Madhubani
..... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Planning and Development Department,
Government of Bihar, Patna
3. The Principal Secretary, Panchayati Raj Department, Government of
Bihar, Patna
4. The Divisional Commissioner, Darbhanga
5. The Collector-cum-District Magistrate, Madhubani
6. The District Planning Officer, Madhubani
7. The Circle Officer, Ladaniyan, Madhubani
8. The Executive Engineer, Local Area Engineering Organization,
Madhubani Work Division, Madhubani
9. The Executive Engineer, Local Area Engineering Organization,
Madhubani Work Division, Madhubani
10. The Assistant Engineer, Local Area Engineering Organization,
Madhubani work Division, Madhubani
11. The Junior Engineer, Local Area Engineering Organization, Madhubani
Work Division, Madhubani
12. The Mukhiya Kumarkhat (West) Panchayat, Village Kumarkhat,
Police Station Ladaniyan District Madhubani
13. Shri Hare krishan Yadav, son of late Ram Charitra Yadav, resident of
village Kumarkhat, Police Station Ladaniyan District Madhubani
14. Shri Deonath Yadav, son of not known to the petitioner, resident of
village Kumarkhat, Police Station Ladaniyan, District Madhubani
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Navendu Kumar
For the Respondent/s : Mr. P.K. Verma ,AAG-5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE JUSTICE CHAKRADHARI SHARAN SINGH)

3 24-09-2015 The grievance of the petitioner in the present writ

application under Article 226 of the Constitution of India in the

nature of public interest litigation relates to construction of

community hall in Kumarkhat village of Kumarkhat (West)

Panchayat under the Border Area Development Programme.

2. It is the petitioner's case that originally it was decided to raise the said *community hall* on a government land besides Hathyahi Pokhar, near Mahadev Mandir in Kumarkhat village of Kumarkhat (West) Panchayat. It is his further case that without any justification an order came to be passed by the competent authority, for shifting the site of construction of the said *community hall* to different place, which does not have any approach road and the area of the land, on which the construction is being made, is insufficient for the said purpose.

3. A counter affidavit has been filed on behalf of respondent Nos. 5 to 11 sworn by the Executive Engineer, Local Area Engineering Organization Work Division, Madhubani (Respondent No.8) stating therein that the site on which the *community hall* was decided to be constructed, was, on local inspection, found in possession of some poor villagers who had raised small huts, and were residing there. They protested the construction work of the said *community hall* at the site in question, whereafter, one of the villagers donated land for the said purpose in the name of Governor of Bihar. Construction work accordingly started on the new site which is on the verge of completion . It has also been stated in the counter affidavit that

the said land, over which the construction is being made, is connected with 14 to 16 ft. wide road and is registered in the name of Governor of Bihar, which is suitable from every angle, for achieving its aim and objects, with proper approach road.

4. Learned counsel appearing on behalf of the petitioner, on the other hand, contends that as a matter of fact there is no approach road as is being contended by respondents, in their counter affidavit.

5. However, in view of the specific stand taken on behalf of the respondents as regards the existence of the road, and suitability of site for the purpose of construction of the community hall, coupled with the fact that the hall in question is on the verge of completion, we consider it appropriate to close the present proceeding under public interest litigation. It goes without saying that the petitioner shall have the liberty to take recourse to law as may be found suitable, including filing of civil suit before the Court of competent jurisdiction.

6. This application is accordingly disposed of.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

ArunKumar/-

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