

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 4439 of 2015

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Satyendra Narayan Choudhary, S/o- Shri Surendra Narayan Choudhary, R/o at
Hospital Road, Naugachia, P.S.- Naugachia, District- Bhagalpur.

.... Petitioner.

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
 2. The Chief Secretary, Govt. of Bihar, Patna.
 3. The District Magistrate, Bhagalpur, District- Bhagalpur.
 4. The Deputy Development Commissioner, Bhagalpur.
 5. The Chairman, Zila Parishad, Bhagalpur, District- Bhagalpur.
 6. The District Engineer, Zila Parishad, Bhagalpur, District- Bhagalpur.
 7. The Zila Parishad, Bhagalpur, District- Bhagalpur. Respondents.
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Appearance :

For the Petitioner : Mr. Sharda Nand Mishra, Advocate
Mr. Deepak Kumar, Advocate

For the Respondent No. 4 to 7 : Mr. Amit Pandey, Advocate
Mr. Nilesh Kumar, Advoate

For the State : Mr D.K. SINHA (AAG-II)
Mr. Alok Kumar Sahi AC to AAG-II

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 13-05-2016

This Public Interest Litigation was initiated to
safeguard public properties and, in specific Dak Bungalows,

which are situated in various towns in the State of Bihar. The allegation, which is not unfounded, is that the Zila Parishad in whom the Dak Bungalow now vests are renting it out as residences, though fortunately, to Government, Governmental bodies or Government Offices.

The submission of the petitioner is that historically Dak Bungalows were established by State as a point for transit, stay of officials and messengers connected with the official work. After the 73rd and 74th Constitutional Amendment, giving Constitutional status to Municipal Corporation, Municipality, Zila Parishads etc. as local self-government, State took a decision to transfer the control and management of the Dak Bungalows to the concerned Zila Parishad. It is pointed out by the petitioner that in this case Naugachia Zila Parishad rented out the Dak Bungalow to State officers as residence, which is not the purpose for which Dak Bungalows can be used, even though those officials were required to pay rent to the Zila Parishad.

We have considered the mater and perused the counter affidavits. To us, it appears that there is no confusion amongst the parties with regard to the intent and to the transfer to Zila Parishad or the use by it of the Dak Bungalows, but, in practice, the very purpose of Dak Bungalow is being frustrated.

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Dak Bungalows were established as a transit point for officials and officers of the State to be used in course of their official duty. They are strategically located in the towns and have large chunk of lands with it. The first thing, we would like to notice that it cannot be exploited as a commercial asset. It is to be used only for public purposes and public servants. It can be occupied only in transit and that too for short period. It cannot be rented out as a residence even for a temporary period upon payment of rent, otherwise it would then loose the character of Dak Bunglow and become permanent residences for various officers. We cannot approve the practice of letting out Dak Bungalows for private function or to private enterprises in contradiction to government or governmental works. No part of the land of the Dak Bungalows can be allowed to be used for its commercial exploitation. For what purpose it has been transferred to the Zila Parishad, the Dak Bunglow is to be used as a Dak Bunglow. If the government wants to make any permanent office, then it would use its own lands or acquire lands or State Government may takeover lands in accordance with law as belonging to the Dak Bunglow and attached with it, but, surely the Zila Parishad cannot use the premises of Dak Bunglow for the purposes other than a transit accommodation

for government officials on payment of nominal rent as it may fix.

Sri D.K. Sinha, learned A.A.G.-2, states that the State has no quarrel with the aforesaid position.

We, accordingly, order. Let State issue appropriate directions as guidelines to all the Zila Parishads in this regard so that the properties of the government are not misused by the Zila Parishad.

With this observation and direction, this writ petition stands disposed of.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Trivedi/Rajiv/AFR

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