

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16075 of 2013

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1. Subodh Kumar Yadav S/O Sri Janak Lal Yadav R/O Village- Muzawar
Tal, P.S. Manihari, District- Katihar

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department of Rural Development, Bihar, Patna
3. The Secretary, Gram Panchayati Raj, Bihar, Patna
4. The District Magistrate, Katihar
5. The Addl. District Magistrate, Katihar
6. The Deputy Development Commissioner, Katihar
7. The District Programme Officer, Katihar
8. The Block Development Officer, Manihar, Katihar
9. The Block Programme Officer, Manihari, Katihar
10. The Mukhiya, Gram Panchayat Raj, North Kantakosh, Manihari,
Katihar
11. The Surpanch, Gram Panchayat Raj, North Kantakosh, Manihar, Katihar
12. The Panchayat Sachiva, Gram Panchayat Raj, North Kantakosh,
Manihari, Katihar
13. The Rojgar, Sachiva, Gram Panchayat Raj, North Kantakosh, Manihari,
Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Respondent/s : Mr. Devendra Kr Sinha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 30-03-2016

Heard the counsel for the petitioner and the State.

A counter affidavit on behalf of the concerned
respondent is filed. No rejoinder thereto is filed.

The following prayer as culled out in para (1)(i) is
made in this petition:-

“i) For issuance of writ in the nature of
mandamus directing the respondents to
forthwith get the land of the petitioner
executed in terms of
selection/approval/sanction of the land
(Annexure-8) in favour of the Hon’ble the
Governor, the State of Bihar, Patna so that

the construction of B N R G S K, Building starts at the earliest possible.”

It is submitted that the proposal of the petitioner to donate the land for construction of Bharat Nirman Rajiv Gandhi Seva Kendra was initially accepted by the authority. However, subsequently it was refused. A direction be issued to the respondents to get the land of the petitioner donated in favour of the State.

In the counter affidavit, the respondents have stated as under in para 6:-

“6. That it is humbly stated that a building for Rajeev Gandhi Seva Kendra to be constructed for the aforesaid Panchayat. The petitioner proposed to donate his land for the same. The proposal was accepted by the then Additional Collector, Katihar and the same was communicated vide his letter no. 2362 dated 03.12.2012. But the said proposal had already been rejected by the Gram Sabha in its meeting dated 22.11.2012 which was opposed by the petitioner.”

Seen thus, the claim of the petitioner appears non tenable in law. Even otherwise no legal right of the petitioner has been infringed by not permitting him to donate the land to the State. The application lacks merit.

It is, accordingly, dismissed.

(Kishore Kumar Mandal, J)

Shyam/-

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