

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14443 of 2015

Pratyush Kumar (Advocate) S/o Sri Parmeshwar Shukla Resident of : 133/400,
Road No. 01, Rajbanshi Nagar, P.O. & P.S.- L.B.S. Nagar, Town & District- Patna

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Cabinet Secretariat, North Block, Central Secretariat, New Delhi 110001
2. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
3. Shri Narendra Damodar Das Modi, Hon'ble Prime Minister of India, 7 Race Course Road, New Delhi.
4. Sri Nitish Kumar, Hon'ble Chief Minister of Bihar, 1, Madhav Shri Hari Anne Marg, Patna.
5. The Secretary, Ministry of Information and Broadcasting, Govt. of India, Room No. 655, A Wing, Shastri Bhavan, New Delhi 1100001.
6. The Principal Secretary, Department of Information and Public Relations, Govt. of Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Saifur Rahman
For Union of India : Mr. S.D. Sanjay, ASG
Mr. Ravinder Kumar Sharma, CGC
Mr. Lalit Kishore- PAAG-1
Mr. Bishwa Bibhuti Kumar Singh, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 17-11-2016

Heard learned counsel for the parties.

2. The present petition is for issuance of a direction for supply of the relevant documents regarding proposals, objections to proposals, preparation, approval, bidding and actual status of the projects declared under “Prime Minister Bihar Package, 2015”.

3. Similar petition was filed by another Advocate of

this Court i.e. C.W.J.C. No.7691 of 2016 (Anil Kumar Mukund Vs. Hon’ble Prime Minister of India & Ors.) which was disposed of on 20.09.2016 with liberty to the petitioner to take recourse to appropriate provisions of law as may be permissible. The Court has held that Article 226 of the Constitution cannot be invoked for the purpose of enforcing promise made by the Prime Minister of India.

4. We do not find that any different view than taken by the Division Bench of this Court in C.W.J.C. No.7691 of 2016 (Anil Kumar Mukund Vs. Hon’ble Prime Minister of India & Ors.) can be taken. The packages announced are not legally enforceable under Article 226 of the Constitution in the writ jurisdiction of this Court. We do not find any reason to entertain this writ petition.

5. The writ petition is accordingly dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

K.C.jha/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	22.11.2016.
Transmission Date	N/A