

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14389 of 2015

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Naresh Prasad S/o Nanhku Prasad, Resident of Village - Gumma, P.S. - Fatehpur,
District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Gaya
2. The District Magistrate, Gaya.
3. The District Programme Officer, Gaya.
4. The Block Development Officer, Fatehpur Block Gaya.
5. The Child Development Project Officer, Fatehpur, Gaya.
6. The Panchayat Secretary, Naudiha Gram Panchayat, Fatehpur, Gaya.
7. The Mukhiya, Naudiha Gram Panchayat, Fatehpur, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
Mr. Awadhesh Kumar, Advocate

For the Respondent/s : Mr. Mrigendra Kumar, AC to GA-4

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 18-11-2016

The petitioner has invoked the writ jurisdiction of this Court in Public Interest challenging the action of the authorities to construct Anganwari building on Khata No.69, plot No.906 measuring 4 decimals instead of Khata No.70, plot No.666 measuring 3 decimals. The stand of the petitioner is that Circle Officer, Fatehpur, selected the plot in Khata No.70 for the construction of Anganwari Centre and forwarded for further action,

but later Mukhiya in connivance with Panchayat Secretary and Child Development Project Officer (C.D.P.O.) started making construction on another land bearing Khata No.69, plot No.906 which is said to be situated in a lonely place.

2. In a counter affidavit filed on behalf of the Child Development Project Officer, it is stated that Khata No.69, plot No.906 measuring 4 decimals was selected for the purpose of construction of Anganwari building for the reason that the land is a Government land and that most of the population is around that area which will have access to the Anganwari Centre at that place.

3. Learned Counsel for the respondent states that the centre has been constructed on Khata No.69, plot No.906 and is almost complete.

4. We have heard learned counsel for the parties and find that the choice as to where the Anganwari Centre has to be constructed depends upon the choice of the Circle Inspector and the Child Development Project Officer. If a particular site has been chosen for construction of Anganwari Centre, the same cannot be made subject-matter of judicial review to assert that another site will be more suitable.

5. We do not find any reason to interfere with the site

selection of the respondents, more so when the building is complete.

6. The writ petition is accordingly dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

K.C.jha/-

AFR/NAFR	NAFR
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