

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12584 of 2017

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Ram Janam Sharma, Son of Late Sant Prasad Singh, R/o of Village Usari, P.S.-
Bhadsara (Kako), District-Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Rural Works Department, Government of Bihar, Patna
4. District Magistrate, Jehanabad.
5. Superintendent of Police, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Respondent/s : Mr. Pushkar Narain Shahi, AAG 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 31-08-2017

This petition in public interest has been filed seeking a mandamus to the respondents with regard to causing enquiry into an F.I.R. said to have been lodged in the year 2007 relating to construction of a road under the Gramin Rojgar Yojna. Records indicate that the petitioner has represented into the matter on



27.08.2007 vide Annexure-3 and after making this complaint to the Lok Ayukta organization on 27.08.2007, nothing was done for about ten years, and vide Annexure-4 a representation was submitted on 14.07.2017 and now this Public Interest Litigation has been filed.

If the petitioner had grievance in the year 2007 with regard to construction of a road and if after having represented before the Government and the Lok Ayukta on 27.08.2007, no action was taken, they should have immediately taken action in the matter instead of approaching this Court after about 10 years. It is stated that after 14.07.2017, construction of the road was made over the land of the petitioner and, therefore, he has filed this writ petition.

If that be the position, the petitioner himself is an aggrieved person and may have grievance with regard to construction of road in his land. Once he is an aggrieved person, because of his personal grievance a Public Interest Litigation at the instance of the petitioner, in our considered view in the peculiar facts and circumstances of the case as are detailed hereinabove, is not maintainable and we are not inclined to go into the issues at the instance of the petitioner.

The writ petition is therefore dismissed. However, if as an aggrieved person any right under law accrues to the petitioner, the petitioner would have the liberty to enforce it by resorting to such



procedure as may be contemplated under the law or available to the petitioner.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
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