

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9504 of 2016

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1. Gopal Singh S/o Ram Gobind Singh R/o Village - Alampur, P.S. - Shiosagar, Distt. - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director Animal Husbandary Deptt. Bihar, Patna.
3. The Assistant Managing Director, Bihar State Building Construction Corporation Limited, Patna.
4. The District Magistrate, Rohtas at Sasaram.
5. The Deputy Collector Land Reforms, Rohtas at Sasaram.
6. The Sub Divisional Officer, Sasaram, Rohtas.
7. The Circle Officer, Sheosagar, Rohtas.
8. The Mukhiya, Alampur Gram Panchayat, Rohtas.
9. The Circle Inspector, Sheosagar, Distt. Rohtas.
10. Rameshwar Prasad Singh S/o late Kalika Singh, aged 65 Years R/o Village Alampur, P.S. Sheosagar, Distt- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate
For the Respondent/s : Mr. AJAY- GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-07-2017

This petition has been filed in public interest and the direction sought for is to command the respondents to construct the



new Animal Husbandry Hospital at Alamganj in a particular land/plot i.e. Khata No.609, Plot No.1367, area 1.29 acres. It is stated that it is beneficial to the villagers if the hospital is constructed in the said area.

On notice being issued, respondents have filed counter affidavits and they go to show that there is a dispute with regard to the land in question. There is a dispute with regard to title and as there is dispute on title with regard to the area, a proposal has been sent for construction of the hospital in another area where there is no such dispute.

Keeping in view the counter affidavit filed by the respondents, in this Public Interest Litigation, in view of the statements made with regard to dispute pertaining to the area as claimed by the petitioner for construction of the hospital, no mandamus can be issued in the matter as the State Government has given justification for not constructing the hospital in a particular area. The question of constructing a hospital in a particular area is an administrative decision, to be taken by the competent authority of the Government and if, finding there to be some dispute the authority takes a decision to change the area, merely because it is not to the liking of the petitioner or some villagers, a mandamus



cannot be issued by this Court.

Accordingly, finding no ground to make indulgence into the matter, the application is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.7.2017
Transmission Date	N/A

