

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1458 of 2017

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Sanjay Kumar, S/o Sri Suvansh Singh, Resident of Mohalla- Shastri Nagar P.S.-
Jehanabad (Town) Distt & Town- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban and Housing Department of Bihar, Patna.
3. The Distt Magistrate, Jehanabad.
4. The Dy. Development Officer, Jehanabad.
5. The Chairman, Nagar Parishad, Jehanabad.
6. The Executive Officer, Nagar Parishad, Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1, Advocate
For the Respondent/s : Mr. Subhash Prasad Singh- GA-3
Mr. Shiv Kumar, AC to GA-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-05-2017

In this public interest petition filed, the grievance of the petitioner is that the respondents have shifted the administrative building of Nagar Parishad, Jehanabad, which was under construction in a particular place and without any proper sanction or authority of law, the building for Nagar Parishad, Jehanabad has been shifted from the original area to another place. *Inter alia* contending that the action of shifting the proposed construction of Nagar Parishad building to another place in the midst of construction being in progress is illegal, this writ petition has been filed.

Respondents have filed a detailed affidavit and it is found



that after the sanction was accorded and the construction of the building at Algana was being made, it was found that Algana was beyond the area of Nagar Parishad, Jehanabad and, therefore, objections were raised, the matter was referred to the State Government and after due approval, the decision was taken to shift the construction and to construct the administrative block of the building within the jurisdiction of the Nagar Parishad, Jehanabad and it is pointed out to us that the building already under construction shall be utilized by the Government for some other administrative and executive purpose.

Keeping in view the fact that the matter pertains to construction of a building for the Nagar Parishad, Jehanabad and the authorities have taken an executive decision for construction of the building in a particular place, a Writ Court exercising the extraordinary jurisdiction in a petition under Article 226 of the Constitution is not required to enter into these areas of consideration, which are purely within the policy making executive domain of the Departmental authorities.

Contention of the petitioner that a building which was under construction would go waste and public money would be wasted is of no significance when the respondents say that the said building shall also be utilized for public purpose and the benefit of the public of the area.



That being so, we are of the considered view that in this public interest petition, no indulgence into the matter is called for. The petition is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.05.2017
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