

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.1773 of 2017**

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Ravi Ranjan, S/o Late Maheshwar Prasad, R/o Mohalla- Amgola, Bihind Kalyani Naka No.3, West, P.O. Ramna, P.S.- Kazi Mohammadpur, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Chief Secretary, Bihar, Patna.
3. The Secretary, Department of Finance, Bihar, Patna.
4. The Secretary, Department of Public Health Engineering, Bihar, Patna.
5. The Secretary, Department of Urban Development, Bihar, Patna.
6. The Secretary, Department of Law, Bihar, Patna.
7. Municipal Corporation, Muzaffarpur through its Executive Officer cum Municipal Commissioner.
8. The Executive Officer, cum Municipal Commissioner, Municipal Corporation, Muzaffarpur.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate  
For the State : Mr. Shashi Shekhar Pd., AC to GA-6  
For the Respondent Nos.7 & 8 : Mr. Awadhesh Kumar, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

ORAL JUDGMENT

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 03-07-2017**

Grievance of the petitioner is that the water supply in various areas in the State of Bihar is required to be transferred to the Public Health Engineering Department as was resolved by administrative order passed by the State Government on 09.10.1999 vide resolution, Annexure-1. It is stated that in spite of the resolution passed on 09.10.1999, except seven cities, in all other cities, water supply has been transferred to the Public Health Engineering Department, but in these seven cities, action has not been taken, when



representation was made to the Chief Secretary, the same was not being considered and, therefore, this writ petition in public interest seeking a mandamus to transfer the entire water supply scheme in the State to the Public Health Engineering Department.

The Public Health Engineering Department has filed a detailed counter affidavit and it goes to show that they have expressed certain administrative difficulties in taking over the water supply scheme as are indicated in the counter affidavit. That apart, the State Government and the Chief Secretary are required to take action in implementing the resolution. The resolution is a policy matter of the State Government and the question of transferring of the work from one department to another is purely an administrative and policy decision to be taken by the State Government and it is not guided and regulated by any statutory provision. As a consequence thereof, it is not proper for this Court exercising its extra ordinary jurisdiction under Article 226 of the Constitution of India to enter into this area of administrative action or policy making and issue direction. However, it is for the State Government to take note of the grievance of the petitioner, the resolution passed, evaluate everything in the backdrop of the requirement of law and a public convenience and thereafter take a decision as the representation filed by the petitioner has not been properly considered, adverted to or examined. The only relief that can



be granted by this Court in this petition is to direct respondent Nos. 1 and 2 to look into the grievance of the petitioner and pass such order as are permissible in law in the backdrop of the administrative and policy decision taken within a reasonable period.

With the aforesaid, the writ petition stands disposed of.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

Sunil/-

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