

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No 1714 of 2017

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Dr Raghuvansh Prasad Singh, Ex-Member, Lok Sabha Son of Sri Late Ram Briksh Singh resident of 143 Kautilya Nagar, Near Veterinary College, Patna, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Cabinet Secretary, Government of Bihar, Patna.
4. The Union of India through the Home Secretary, Government of India, New Delhi.
5. The Secretary, Archeological Survey of India, Government of India, New Delhi.
6. The Director General S.A. (Monument), Archaeological Survey of India, Government of India, New Delhi.
7. The Regional Director (E.R.) Archeological Survey of India, Government of India, New Delhi.
8. The Superintending Archeologist, Archeological Survey of India, Patna Circle, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Shahabuddin Azeem @ S Azeem, Advocate
For the S t a t e : Mr Prabhat Kumar Verma, AAG 3
For Union of India : Ms Nivedita Nirvikar, CGC

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-05-2017

This public interest litigation has been filed and it is the case of the petitioner that a mandamus should be issued to the respondents directing them to hoist the National Flag on the occasions of Independence and Republic Days at a particular Historic or Heritage place.



Inter alia contending that Vaishali is a place of great historical importance and, therefore, a heritage area should be respected by hoisting the National Flag every year on the occasions of Independence and Republic Days. Petitioner, claiming to be a vigilant and public spirited citizen, has filed this petition in public interest.

The relief claimed is not based on any statutory Rule, Regulation or enforceable right available to the petitioner or law laid down in the matter of hoisting of National Flag in the area in question. This being a matter purely within the domain of the executive authorities and not based on policy decision of the Government regulated by any statutory Rule, Regulation or enforceable right, it is not appropriate for a Writ Court to make any indulgence in the matter.

In such cases, it is for the petitioner to move before the competent authority of the State Government or the Government of India and it would be for these authorities to take note of the petitioner's grievance. We also find that the Government of India has made certain recommendations in the matter of hoisting of National Flag. That being so, petitioner may take up the issue with the State Government or the Local authority.

With the aforesaid liberty to the petitioner, the petition is



disposed of.

(Rajendra Menon, CJ)

M.E.H./-

(Sudhir Singh, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2017
Transmission Date	NA

