

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5748 of 2017

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1. Rajo Yadav, Son of Late Hari Charan Yadav, resident of Village- Durdih, P.O.-
Parsama, Block+P.S.- Ramgarh Chauk, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and
Land Reforms, Government of Bihar, Patna.
2. The Divisional Commissioner, Munger Division, Munger.
3. The District Magistrate, Lakhisarai.
4. The Sub-Divisional Officer, Lakhisarai.
5. The Superintendent of Police, Lakhisarai.
6. The Circle Officer, Ramgarh Chauk, District- Lakhisarai.
7. The Director General of Police-cum-Chairman, Bihar Police Building
Construction Ltd., Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the State		Mr. Md. Khurshid Alam, AAG-12
For Respondent No.7		Mr. Prasoon Sinha, 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: 01-08-2017

In this petition filed in public interest, it is the grievance
of the petitioner that in a land enmarked for irrigation purpose and
recorded as “Aahar”, a police station is being constructed and,
therefore, a mandamus be issued restraining the respondents from



constructing the police station on the land in question.

Respondents have filed counter affidavit and from the counter affidavit filed by the respondents from para 10 onwards it is seen that the matter was examined in detail and in the District in question due to serious Maoist activities, after following the due process of law, the Revenue Department after obtaining report from the Anchal Adhikari, made a proposal to construct the police station in the area in question and while doing so, various security measures keeping in view that the locality is infested with Maoists, the spot has been selected for construction of the police station. It is also stated in the counter affidavit that an administrative decision was taken to do so and it is stated that after obtaining due approval from the competent authority and keeping in view the public interest involved, the land has been selected for construction of the police station. It is stated that the nature of the land has changed. It is no more an “Aahar” and it is now a “Parti” i.e. vacant land and as the land has changed its complexion, keeping in view the reasons indicated by the respondents and the public interest involved, merely because the Panchayat has not been informed or their approval has not been taken, we see no reason to make any indulgence in the matter.



The application is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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