

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21968 of 2014

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Kumar Gaurav, Son of Late Rajendra Kumar Singh, R/o of Village- Tope,
P.S.- Shahjahanpur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Transport Commissioner, Patna
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Patna
4. The D.D.C. cum the Chief Executive Officer, Zila Parishad, Patna
5. The Additional Chief Executive Officer, Zila Parishad, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate.

For the Respondents : Mr. Shyam Kishor Sharma, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 25-04-2017 The petitioner has filed this petition, *probono* and it is the contention of the petitioner that a Committee headed by the Commissioner, Patna Division, Patna, on 29.10.2007 took a decision for construction of the Bus Stand in the Zila Parishad area in the land indicated in the minutes of the meeting vide Annexure-1.

It is stated that now the authorities have retracted from the aforesaid decision taken by the Committee, the Zila Parishad has decided to construct a commercial complex in the area in question and this being contrary to the public interest. It is prayed



that a mandamus be issued for implementing the recommendation of the Committee as contained in Annexure-1 dated 29.10.2007.

The Zila Parishad has filed a detailed counter affidavit and has given various reasons as to why the aforesaid decision has been taken and one of the reasons as stated in paragraph no. 5 of the counter affidavit is that the area of the land is not suited for construction of the Bus Stand.

Be that as it may, the petitioner wants of a mandamus to be issued to the respondents for construction of the Bus Stand in particular area. The aforesaid claim made by the petitioner is not based on any statutory requirement or rule or regulation having the force of law. The fact is that feasible for construction of the Bus Stand is a policy decision, administrative in nature taken after completing various formalities, including expert opinion, which are within the domain of the administrative authority and if the executive authorities have taken a decision not to implement the recommendation of the Committee for certain reason, in the absence of statutory or constitutional provisions being violated, a Writ Court cannot interfere into such matter. The District authorities have taken a policy decision in the matter and merely because the petitioner pleads the public interest is adversely effect. We see no reason to make any indulgence in the matter. The



petition being devoid of substance and is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

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