

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15056 of 2017

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Krishna Kumar, son of Late Ramchandra Prasad Singh, resident of village-
Brahpur, P.S.- Mokama, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary Rural Development Department Govt. of Bihar Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna.
5. The Sub-Divisional Officer, Barh, Patna.
6. The Block Development officer, Mokama, Patna.
7. The Circle Officer, Mokama, Patna.
8. The Chairman, South Bihar Power Distribution Co. Ltd., Bidyut Bhawan,
Bailey Road, Patna.
9. The Director, South Bihar Power Distribution Co. Ltd., Bidyut Bhawan, Bailey
Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Singh

For the Respondent/s : Mr. Anjani Kumar-AAG 4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 28-06-2018

The present writ application has been preferred by way of Public Interest Litigation for issuance of a writ of mandamus commanding the respondent authorities to take appropriate and immediate action for cancellation of the foundation (silanayas) in the play field near Anganbari centre and Middle School, etc. It is the case of the petitioner that in the vacant field near Angabari centre and Middle School and Panchayat Bhawan in village Brampur under



Mokama Block, the children (students) used to play but the playing field has been encroached by the respondent No.8 and 9 for purpose of establishing an electric power grid for which foundation stone has been laid.

From perusal of the writ application it appears that the South Bihar Power Distribution Company Ltd. has proposed to establish an Electric Power Grid on the land in question.

A counter affidavit filed on behalf of the Circle Officer, Mokama states that the proposed land on which the foundation stone has been laid is a gairmajarua aam land. A report in this regard submitted by Revenue Karmchari has been placed on record as Annexure-8 to the counter affidavit. It is further stated that the Circle Officer, Mokama had issued a general notice on 27.04.2017 (Annexure-3) inviting objections, if any, from the local persons as regards establishing the proposed Electric Power Grid but it is stated that several local persons have given their consent for the construction of the proposed Power Grid under Din Dayal Upadhaya Gram Panchayat Yojana.

We are of the considered opinion that in the facts and circumstances of the case the establishment of Power Grid on the land in question shall serve larger public interest, it is being established in gairmajarua aam land and with consent of the local persons as stated



in the counter affidavit, therefore, the present writ application is only misconceived and is an attempt to frustrate the public interest.

The writ application has no merit. It is dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sanjeev/Mukesh

AFR/NAFR	NAFR
CAV DATE	N/A
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