

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4669 of 2017

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Md. Sultan Husain Idrishi, aged about 29 years, Son of Md. Rizwan Idrishi, resident of Ward No. 29, Mohalla- Rupganj, P.S.- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Commissioner, Saran Pramandal, Saran at Chapra.
4. The District Magistrate, Saran at Chapra, Distt. Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate
For the State	:	Mr. Ajay- GA 5
		Mr. Pratik Kumar Sinha, AC to GA 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-08-2018

In this Public Interest Litigation, the petitioner has prayed for appropriate order directing the respondents to provide benefits to 128 persons of Indira Awas Yojna and other schemes provided to the BPL whose details have been given in the letter no. 13 dated 7.1.2017, as contained in Annexure-4 issued by the office of the Nagar Parishad, Chapra.

A counter is filed on behalf of the respondent no.4, in which it is specifically stated that as per the policy such benefit is given only to those persons whose names are included in the census. It is admitted position that it is not disputed even by the



learned counsel for the petitioner that names of those 128 persons are not included in the census. However, the case of the petitioner is that the names of 128 persons are not included in census because on the part of the fault of the appropriate authority.

Be that as it may, unless and until the names of 128 persons are included in census, benefit under the Indira Awas Yojna cannot be given to them.

Under the circumstances, the petitioner is not entitled to the relief sought in the present petition at this stage.

It will be open for those persons to approach the appropriate authority for including the names in census. As and when such application is filed, the same may be considered in accordance with law on its own merit for which we have not expressed any opinion.

(Mukesh R. Shah, CJ)

(Dr. Ravi Ranjan, J)

Sanjay/-/ Spd

AFR/NAFR	NAFR
CAV DATE	NA
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